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This Training is being Recorded.

Please feel free to ask questions as they come up, but we will have Chat Box Check-Ins throughout the training.

LIVE TRANSCRIPTION IS AVAILABLE

Link for Recordings and Power Points – https://www.maine.gov/doe/learning/specialed/pl

Department of Education

Teachers are…

Caring Understanding FUNNY Sharing
Compassionate determined Passionate OCD
Patient Reliable Family Hard Working
AMAZING Flexible
AVAILABLE RESILIENT patient DYNAMIC
CHAMPION dedicated

Role Models WONDERFUL Possess Purpose
problem solvers Resilient Flexible Oriented
MOTIVATED

Busy Remarkable INNOVATIVE Brave
Creative on the fly Forward Thinkers
Resourceful Innovative Adaptable

Maine Department of Education

Writing Compliant IEPs – Academic and Functional Skill Gaps and How Statement

Maine DOE

Office of Special Services

Monitoring Team

Updated 10/6/2021

Maine Department of Education

Colette Sullivan
Federal Programs Coordinator

Leora Byras
Special Education Consultant

Jennifer Gleason
Special Education Consultant

Karlie Thibodeau
Special Education Consultant

Julie Pelletier
Secretary Associate

Maine Department of Education

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2022-2023 Office Hours

Date	Topic
9/14/22	IEP Quick Reference Sheet
9/28/22	Eligibility – Evaluations, Eligibility Forms, Multiple Disabilities
10/12/22	Alignment – Evaluations, Needs/How, Present Level, Goals, Services, LRE
10/26/22	Distinctly Measurable Persistent Academic and Functional Skills/How Statement
11/9/22	Measurable Goals (Avoiding Outcomes)
12/14/22	Supplementary Aids, Services, Modifications and Supports – Including Consultation and LRE
12/22/21	Disability Alignment – DIB1
1/11/23	Transition from CDS to Public School
1/25/23	Alternate Assessment Process

Date	Topic
2/8/23	Transition Plans and Extended Eligibility Options
2/15/23	Multi-Lingual Learner Document
3/8/23	Written Notice
3/22/23	Federal Indicators – B4, B9, B10,
4/12/23	Summary of Performance Document
4/26/23	Abbreviated Day
5/10/23	Orientation and Mobility
5/24/23	Data Collection

https://www.maine.gov/doe/calendar

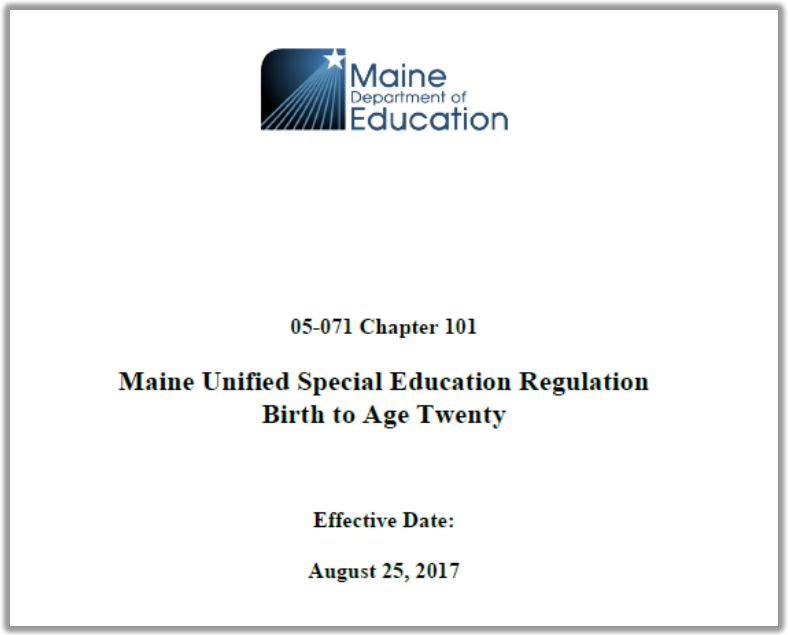
Maine Department of Education

Procedural Manual

https://www.maine.gov/doe/learning/specialed/manual

Maine Department of Education

Maine Unified Special Education Regulations (MUSER)



05-071 Chapter 101

Maine Unified Special Education Regulation
Birth to Age Twenty

Effective Date:

August 25, 2017

https://www.maine.gov/doe/cds/muser

What is the Purpose of an IEP?

The Individuals with Disabilities Education Act (IDEA) says the purpose of an ***Individualized*** Education Program (IEP) is “to ensure that all children with disabilities have available to them a ***free appropriate public education*** (FAPE) that emphasizes ***special education*** and related services designed to meet their ***unique needs*** and ***prepare them*** for further education, employment and independent living”, *and to promote movement back to general education.*

Maine Department of Education

Section 2: Disability

A child with a Disability is an Individual Who –

- Has reached the age of 3 years;
- Has neither graduated from a secondary school program with a regular HS diploma nor reached nor reached 20 years of age at the start of the school year;
- Has been observed in the learning environment/classroom setting; and
- Has been evaluated according to these rules and has been determined to have a disability which requires the provision of special education and supportive services.
- A child with a disability shall have one or more of the disabilities listed in MUSER VII.2.A-M

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Section 2: Disability

2. DISABILITY

☐ Autism	☐ Deaf-Blindness	☐ Deafness
☐ Developmental Delay (3-5)	☐ Developmental Delay (Kindergarten)	☐ Emotional Disturbance
☐ Hearing Impairment	☐ Intellectual Disability	☐ Visual Impairment (including Blindness)
☐ Other Health Impairment	☐ Orthopedic Impairment	☐ Speech/Language Impairment
☐ Specific Learning Disability	☐ Traumatic Brain Injury	☐ Multiple Disability *(check all applicable concomitant disabilities)*

MUSER –
Maine Unified Special Education Regulations

MUSER VII.2.A-M outlines all Disability Categories, including the **Definition** and the **Procedure for Determination**.

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An Administrative Letter was issued January 21, 2021 outlining the Change in Ending Age for Special Education Eligibility

https://mainedoenews.net/2021/01/21/administrative-letter-change-in-the-ending-age-for-special-education-eligibility-effective-immediately/

Maine Department of Education

<u>MUSER</u> – Maine Unified Special Education Regulations

MUSER II.3

Adverse effect/Adversely affects. *The word "adverse" commonly means "harmful, impeding, obstructing, or detrimental." To "adversely affect" means to have a negative impact that is more than a minor or transient hindrance, evidenced by findings and observations based on data sources and objective assessments with replicable results.*

Maine Department of Education

MUSER – Maine Unified Special Education Regulations

MUSER VII.2

A child must need special education. Although federal regulations do not define "needs," the word commonly signifies something necessary, something exigent or the "lack of something essential." A child "needs" special education and related services when, because of the disability, the child can neither progress effectively in a regular education program nor receive reasonable benefit from such a program in spite of other services available to the child.

The need is best established through evidence of a distinctly measurable and persistent gap in the child's educational or functional performance that cannot be addressed through services or accommodations available through the general education program.

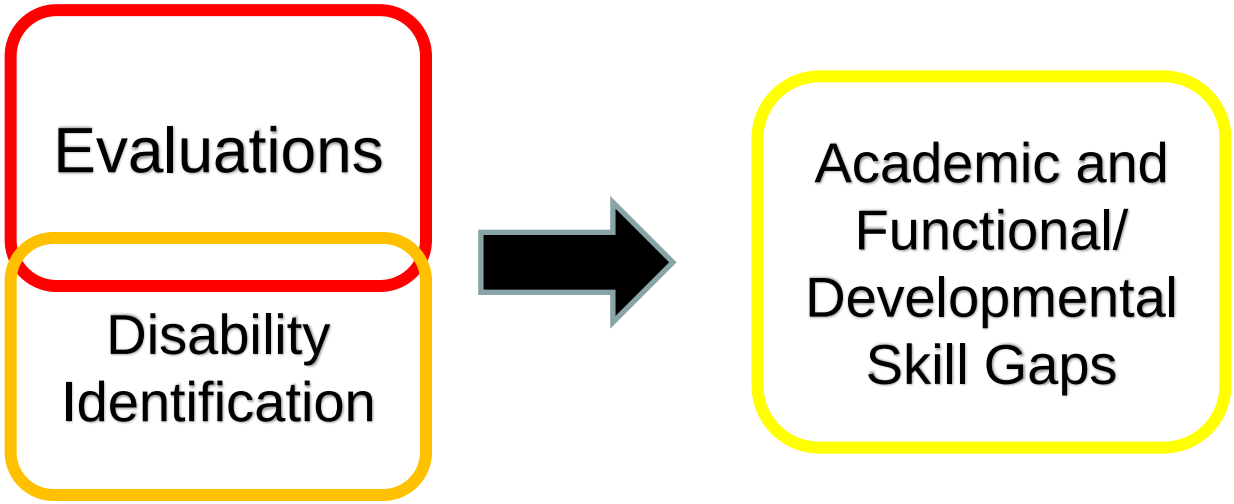
MUSER – Maine Unified Special Education Regulations

MUSER IX.3.A.(1)(a)(i)

How the child's disability affects the child's involvement and progress in the general education curriculum;

Maine Department of Education

Evaluations Determine Skill Gaps



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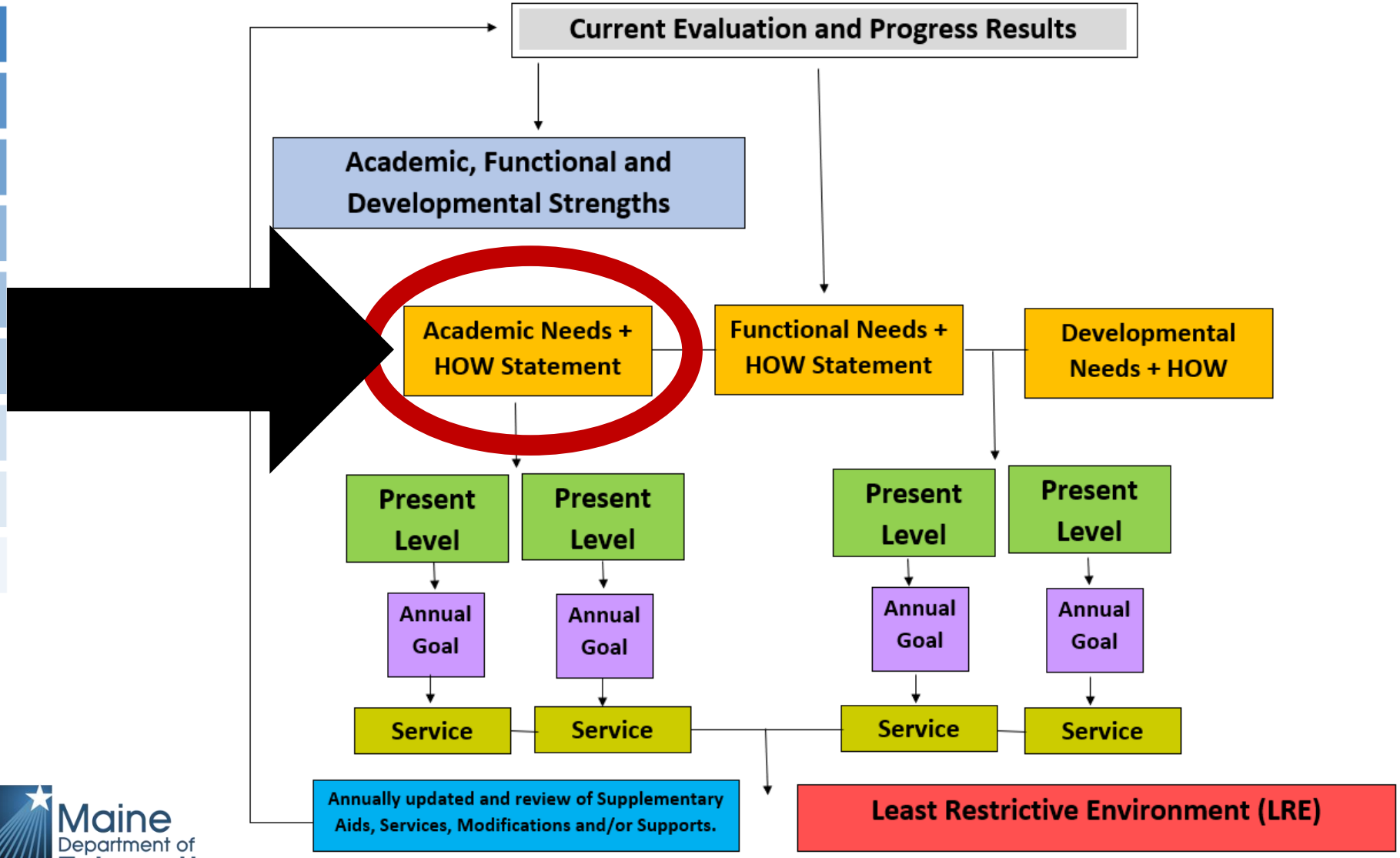
Individualized Education Plan IEP Alignment



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Section 4 – Academic and Functional/Developmental Evaluations, Strengths, and Needs (MUSER IX.3.C.(1))

4. ACADEMIC AND FUNCTIONAL/DEVELOPMENTAL EVALUATIONS, STRENGTHS, AND NEEDS (MUSER IX.3.C.(1))

A.	Results of all initial evaluations or most recent evaluations of the child:
B.	Beyond the evaluative information in **4A**, what are the academic, functional, and/or developmental **strengths** of the child?
C.	Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **academic performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?
	and **how** do they affect the child's involvement and progress in the general education curriculum?
E.	If appropriate, what are the **developmental needs** of the child, and how do they affect the child's involvement and progress in the general education curriculum?

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Procedural Manual
Pg. 22

Section 4C: ACADEMIC NEEDS AND "HOW" STATEMENT (Part B, ages 3-20)

C. Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **academic performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?

This section is used to:

- Identify the child's academic needs and how they affect the child's involvement and progress in general education.

Directions:

- Identify (list) specific academic skill deficits that are to such a degree, that they need to be aligned to an annual goal and addressed through a provision of service. Academic skill deficits can be identified based on formal or informal evaluations, academic performance and observation, and formative and summative assessments. Ensure that each identified academic need is being addressed through at least one academic annual goal.
- For each Need, explain what it is about the child's needs that prevent the child from being involved and making progress in the general education curriculum that affect the child's participation in appropriate activities.

Example:
Reading comprehension impedes the child's ability to comprehend grade level text and accurately provide details and events described in the text within the general education curriculum.

Ma
Depar
Education

Academic

- Reading
- Writing
- Listening
- Speaking
- Mathematical Problem Solving

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Section 4C: Distinctly Measurable and Persistent Gaps in Academic Performance and "How" Statement

C. Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **academic performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?

Identification of the distinctly measurable and persistent gaps in Academic performance

AND

How the deficit has an adverse impact on the child accessing the general education curriculum

Distinctly Measurable and Persistent Gaps + **How Statement**

Maine Department of Education

C. Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **academic performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?

Section 4C MUST include *both*
Distinctly Measurable and Persistent Skill Gaps
AND
the How Statement

Distinctly Measurable and Persistent Gaps

(Needs)

+

How Statement

Maine Department of Education

Skill Deficits/Gaps – What are those specific areas?

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- Be very specific
- Do not include or reference:
  - Broad Academic Areas
  - Evaluation Results
  - Standard Scores

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Skill Deficits/Gaps – What are those specific areas?

Consider the following:

Might Include (there are others) –

- Reading: Decoding, Encoding, Fluency, Comprehension, Sight Words, Phonemic Awareness, Vocabulary, etc.
- Writing: Sentence Structure, Paragraph Development, Organization, Details, Proofreading, etc.
- Listening/Speaking: Story Retell, Collaboration, Language, Context, Describe, Summarizing, etc.
- Mathematical Problem Solving: Addition/Subtraction, Multiplication/Division, Word Problems, Fluency, Measurement, etc.

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How Statement – What is the Impact of the Disability?

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Consider the following:

How do the skill deficits impact the child's:

- involvement in general education
- access to the general education curriculum
- progress in the general education curriculum

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Distinctly Measurable and Persistent Gaps (Needs) + **How Statement**

Student Needs	How Statement
(Reading) Jimmy's reading fluency deficits	impact his ability to access grade level reading material.
(Writing) Sarah's spelling deficits	impact her ability to complete grade level writing prompts.
(Listening) Michael's listening comprehension deficits	impact his ability to paraphrase and restate grade level material.
(Speaking) Beth's inability to retell stories in a sequential manner	impacts her ability to engage with grade level material.
(Mathematical Problem Solving) Tom's deficits in addition/subtraction	impacts his ability to participate in grade appropriate math activities.

C. Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **academic performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?

Jimmy's reading fluency deficits impact his ability to access grade level reading material.

C. Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **academic performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?

Sarah's spelling deficits impact her ability to complete grade level writing prompts.

C. Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **academic performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?

Michael's listening comprehension deficits impact his ability to paraphrase and restate grade level material.

C. Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **academic performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?

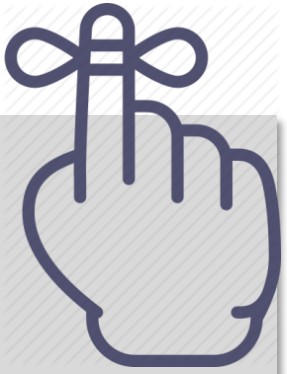
Beth's inability to retell stories in a sequential manner impacts her ability to engage with grade level material.

C. Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **academic performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?

Tom's deficits in addition/subtraction impact his ability to participate in grade appropriate math activities.

You could document Skill Deficits (needs) in bullet form.

***Remember* your How statement as well.**



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C. Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **academic performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?

- **Reading Fluency**
- **Spelling**
- **Reading Comprehension**

These deficits impact her ability to access and participate in all grade level Reading curriculum.

Maine Department of Education

Let's Review…

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C. Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **academic performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?

Michael's standard scores on the WJ-R in Reading was a 78.

Maine Department of Education

What's wrong?

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C.	Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **academic performance**, and **how** do they affect the child's involvement and progress in the general education curriculum? **Michael's standard scores on the WJ-R in Reading was a 78.**

Tell us in the Chat Box why this is not compliant.

Maine Department of Education

What's wrong?

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C. Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **academic performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?

Michael's standard scores on the WJ-R in Reading was a 78.

- **Referenced Standard Score on an evaluation**
- **No specific skill deficit: Reading is too broad**
- **No How statement**

Maine Department of Education

<u>Instead</u>…

C. Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **academic performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?

Michael's reading comprehension deficits impact his ability to access and engage in grade appropriate reading activities.

Maine Department of Education

Let's Review…

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C. Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **academic performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?

Benny's Math deficits impact his ability to access grade level math curriculum.

Maine Department of Education

What's wrong?

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C. Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **academic performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?

Benny's Math deficits impact his ability to access grade level math curriculum.

Tell us in the Chat Box why this is not compliant.

Maine Department of Education

What's wrong?

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C. Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **academic performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?

Benny's Math deficits impact his ability to access grade level math curriculum.

- **No specific skill deficit: Math is too broad**

Maine Department of Education

<u>Instead</u>…

C. Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **academic performance**, and **how** do they affect the child's involvement and progress in the general education curriculum? **Benny's deficits in addition/subtraction facts impact his ability to access grade level math curriculum.**

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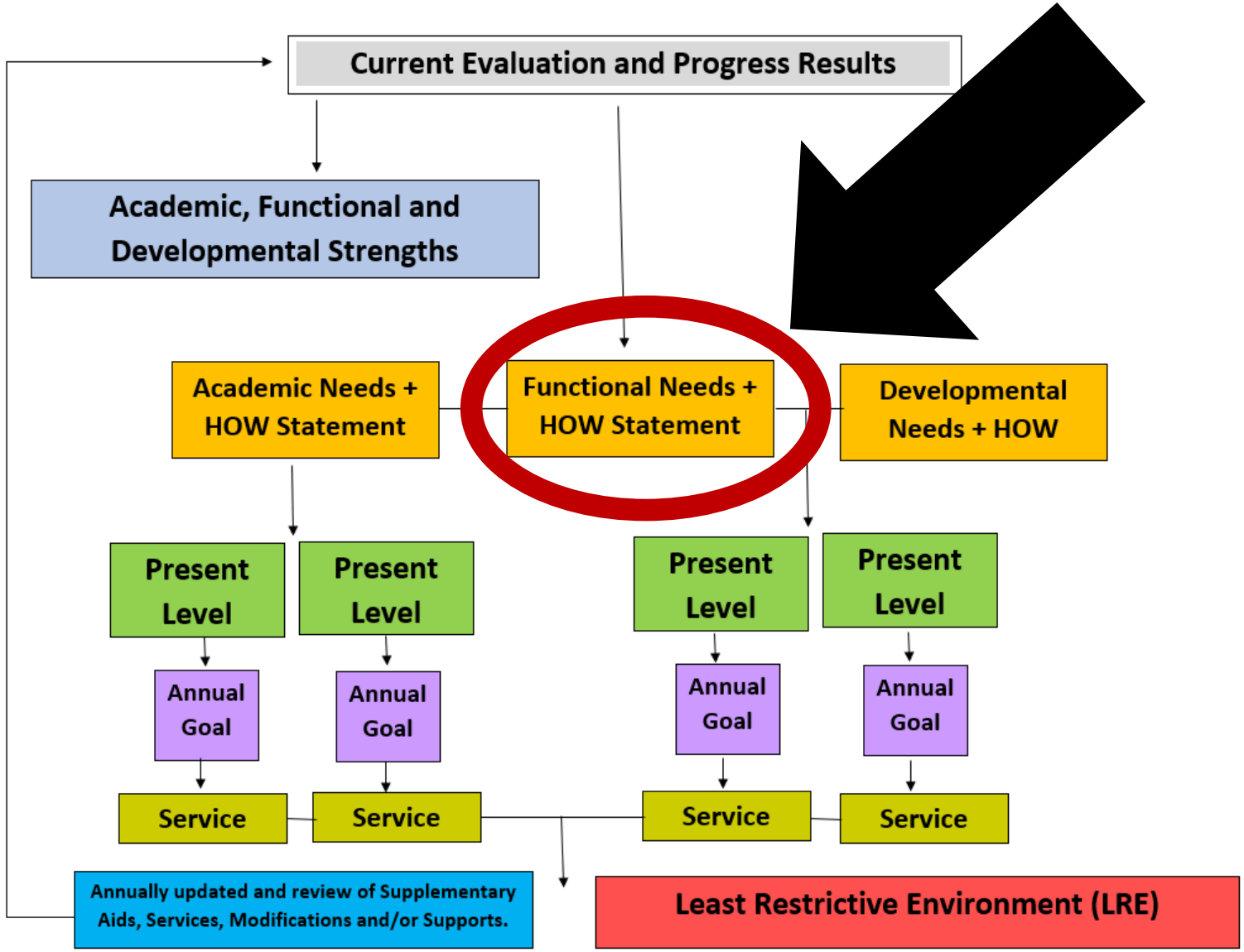
Chat Box Check In

Maine Department of Education

Individualized Education Plan IEP Alignment



Maine Department of Education

Section 4 – Academic and Functional/Developmental Evaluations, Strengths, and Needs (MUSER IX.3.C.(1))

4. ACADEMIC AND FUNCTIONAL/DEVELOPMENTAL EVALUATIONS, STRENGTHS, AND NEEDS (MUSER IX.3.C.(1))

A.	Results of all initial evaluations or most recent evaluations of the child:
B.	Beyond the evaluative information in **4A**, what are the academic, functional, and/or developmental **strengths** of the child?
C.	Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **academic performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?
D.	Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **functional performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?
	general education curriculum?

Maine Department of Education

Procedural Manual
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Section 4D: FUNCTIONAL/DEVELOPMENTAL NEEDS AND "HOW" STATEMENT

D. Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **functional performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?

This section is used to:

- Identify the child's functional/developmental needs and how they affect the child's involvement and progress in the general education.

Directions:

- Identifies specific functional/developmental skill deficits that are to such a degree, that they need to be aligned to an annual goal and addressed through a provision of service. Functional/developmental skill deficits can be identified based on formal or informal evaluations, functional/developmental performance and observation, and formative and summative assessments. Related services (e.g. OT, Speech/Language) would be reflected in this section. Ensure that each identified functional/developmental need, including a need being addressed through a related service, is being addressed through at least one functional/developmental annual goal.
- For each Need, explain how the disability adversely affects the child's access to the general education curriculum. This is not a restatement of LRE and should identify the how the child's needs are adversely affecting his/her involvement in the general education curriculum.

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Functional

- Cognitive
- Communicative
- Motor
- Adaptive
- Social/Emotional
- Sensory

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Maine Department of Education

Section 4D: Distinctly Measurable and Persistent Gaps in Functional Performance and "How" Statement

D. Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **functional performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?

Identification of the distinctly measurable and persistent gaps in Functional performance

AND

How the deficit has an adverse impact on the child accessing the general education curriculum

Distinctly Measurable and Persistent Gaps + **How Statement**

Maine Department of Education

D. Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **functional performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?

Section 4D MUST include *both*
Distinctly Measurable and Persistent Skill Gaps
AND
the How Statement

Distinctly Measurable and Persistent Gaps

(Needs)

+

How Statement

Maine Department of Education

Skill Deficits/Gaps – What are those specific areas?

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- Be very specific
- Do not include or reference:
  - Broad Functional Areas
  - Evaluation Results
  - Standard Scores

Maine Department of Education

Skill Deficits/Gaps – What are those specific areas?

Consider the following:

Might Include (there are others) –

- Cognitive: Problem Solving, Self Awareness, Peer Interaction, Self Initiation, etc.
- Communicative: Receptive Language, Expressive Language, Pragmatic Language, Articulation, etc.
- Motor: Fine Motor, Gross Motor, Coloring, Cutting, Walking, Stairs, etc.
- Adaptive: Toileting, Handwashing, Cooking, Eating, Dressing, etc.
- Sensory: Processing, Attention to Task, Self Regulation, Self Advocacy, etc.

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How Statement – What is the Impact of the Disability?

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Consider the following:

How do the skill deficits impact the child's:

- involvement in general education
- access to the general education curriculum
- progress in the general education curriculum

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Distinctly Measurable and Persistent Gaps (Needs) + **How Statement**

Student Needs	How Statement
(Cognitive) Mary's deficits in problem solving	impact her ability to safely engage with peers at grade level.
(Communicative) Sarah's expressive language deficits	impact her ability to speak clearly with peers during play activities.
(Motor) Michael's fine motor deficits	impact his ability to maintain appropriate grasp on writing tools during writing time.
(Adaptive) Beth's deficits in personal care	impact her ability to engage socially with same aged peers.
(Social/Emotional) Tom's self regulation deficits	impact his ability to comprehend and apply social rules in the general education setting.
(Sensory) Barb's tactile defensiveness	impact her ability to stay on task in all grade level activities.

D. Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **functional performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?

Mary has problem solving deficits. These delays impact her ability to safely engage with peers at grade level.

D. Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **functional performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?

Sarah's expressive language deficits impact her ability to speak clearly with peers during play activities.

D. Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **functional performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?

Michael's fine motor deficits impact his ability to maintain appropriate grasp on writing tools during writing time.

D. Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **functional performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?

Beth's deficits in self-care impact her ability to engage socially with same aged peers.

D. Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **functional performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?

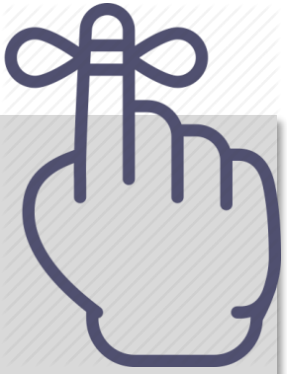
Tom's self-regulation deficits impact his ability to comprehend and apply social rules in the general education setting.

D. Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **functional performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?

Barb's tactile defensiveness impacts her ability to stay on task in all grade level activities.

You could document Skill Deficits (needs) in bullet form.

***Remember* your How statement as well.**



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D. Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **functional performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?

- **Self-Regulation**
- **Expressive Language**
- **Fine Motor**

These deficits impact his ability to engage socially with peers in all grade level activities and to complete grade level activities that require fine motor control.

Maine Department of Education

Let's Review…

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D. Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **functional performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?

Michael's standard score on the Goldman-Fristoe Evaluation showed errors in articulation.

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What's wrong?

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D. Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **functional performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?

Michael's standard score on the Goldman-Fristoe Evaluation showed errors in articulation.

Tell us in the Chat Box why this is not compliant.

Maine Department of Education

What's wrong?

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D. Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **functional performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?

Michael's standard score on the Goldman-Fristoe Evaluation showed errors in articulation.

- **Referenced Standard Score on an evaluation**
- **No How statement**

Maine Department of Education

Instead…

D. Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **functional performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?

Michael's deficits in articulation impact his ability to communicate effectively with peers in the general education curriculum.

Maine Department of Education

Let's Review…

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D. Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **functional performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?

Keith often refuses to come to school. Attendance is a concern.

Maine Department of Education

What's wrong?

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D. Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **functional performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?

Keith often refuses to come to school. Attendance is a concern.

Tell us in the Chat Box why this is not compliant.

Maine Department of Education

What's wrong?

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D. Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **functional performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?

Keith often refuses to come to school. Attendance is a concern.

- **Outcome based (age-appropriate expectation)**
- **We want all kids to come to school**
- **No skill deficits**
- **No How statement**

Maine Department of Education

Instead…

D. Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **functional performance**, and **how** do they affect the child's involvement and progress in the general education curriculum? **Keith has anxiety and self-regulation deficits.** **These deficits impact his ability to attend school and participate in grade level activities.**

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Remember, if you've identified
Specific Skill Deficits,
they must Align
to ***Present Level***
to ***Goals***
to ***Services***

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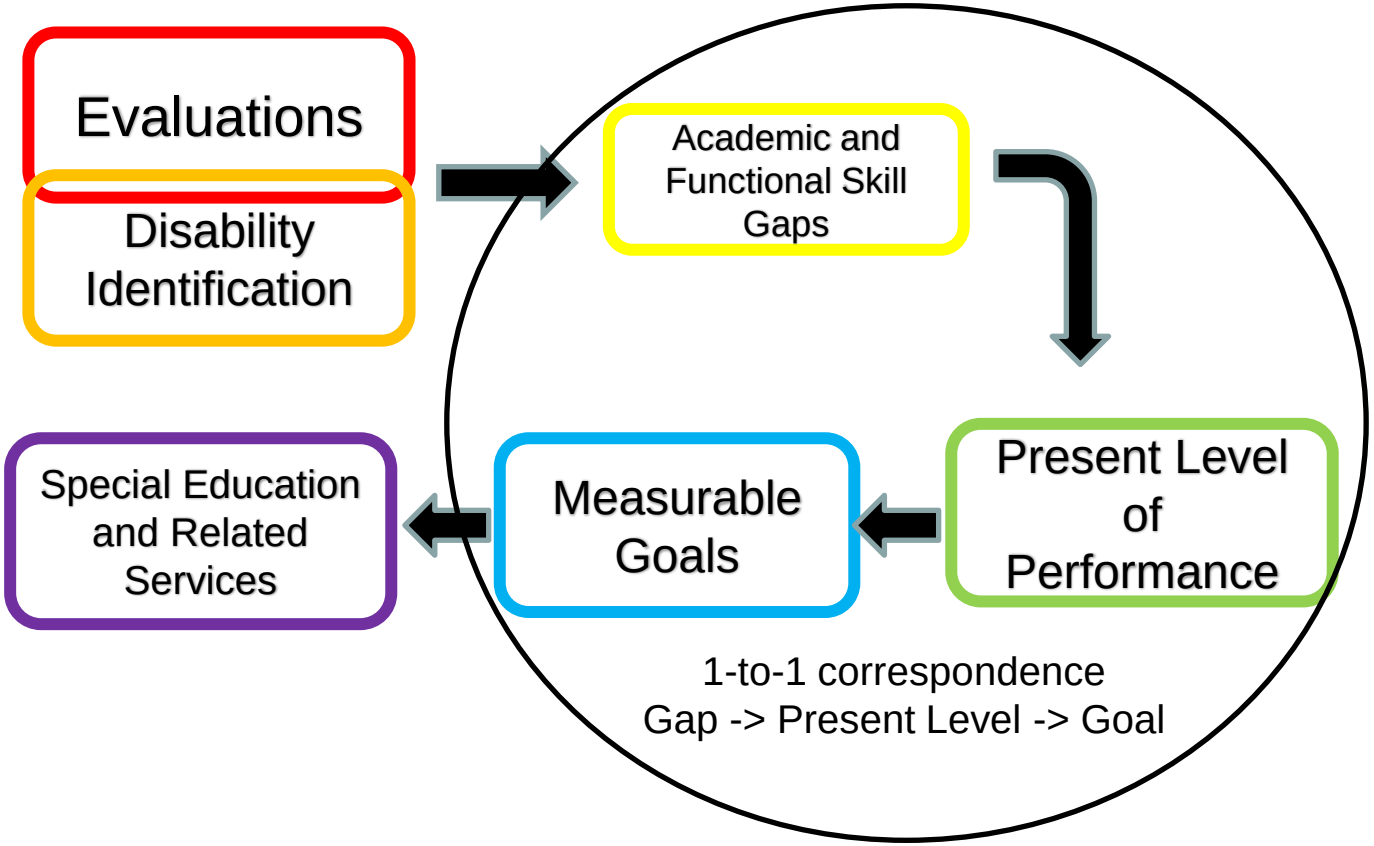
Alignment throughout the IEP document



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Questions?

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Maine Department of Education

Resources

Professional Development Calendar –

https://www.maine.gov/doe/calendar

Link for Recordings and Power Points –

https://www.maine.gov/doe/learning/specialed/pl

Special Education Resources –

https://www.maine.gov/doe/learning/specialed/supervision

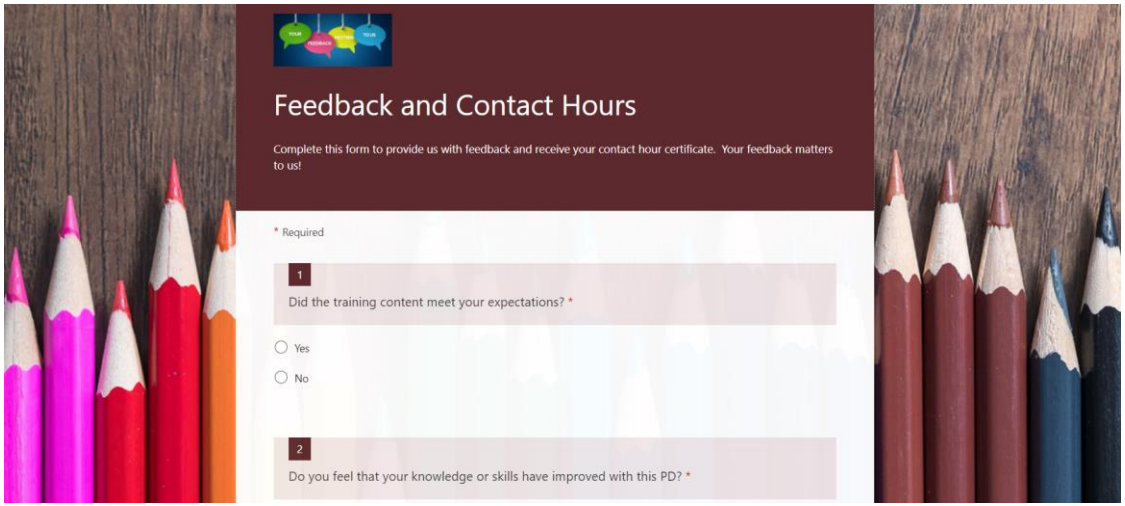
Special Education Laws and Regulations –

https://www.maine.gov/doe/learning/specialed/law

Special Education Forms and Reporting –

https://www.maine.gov/doe/learning/specialed/forms

Please take a few minutes to give us some Feedback.

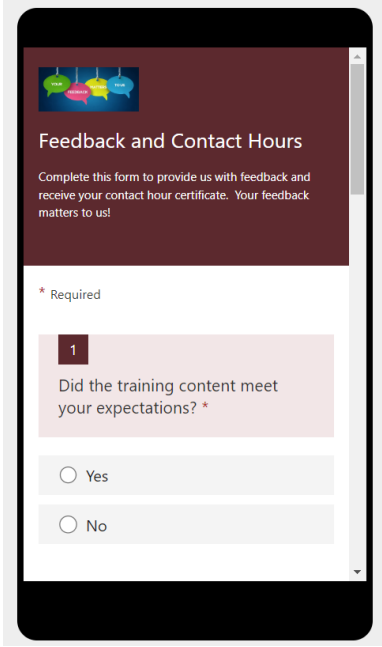


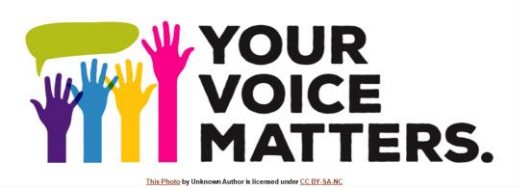
Use the link to complete the form on your computer

OR

Use the QR code to complete the form on your mobile device

https://forms.office.com/g/by472QQLDJ





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