

This Training is being Recorded.

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

Maine Department of Education
Office of Special Services & Inclusive Education
Supervision, Monitoring, and Support Team

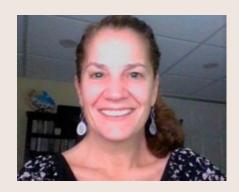
Services & Maine Williams



- 1. Introductions
- Documenting Present Level and Goal Measurement in the IEP
- 3. Collecting and Analyzing Data



Meet The Team



Colette Sullivan

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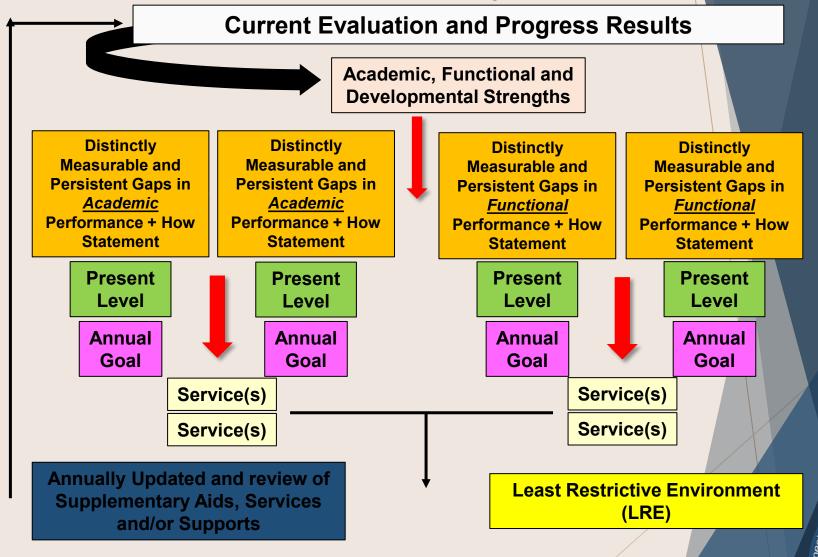
Julie Pelletier

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Individualized Education Plan IEP Alignment



Endrew F. v. Douglas County School District

"...a school must offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances."

The "reasonably calculated" standard recognizes that developing an appropriate IEP requires a prospective judgment by the IEP Team.

The Supreme Court emphasized the requirement that "every child should have the chance to meet challenging objectives."

https://sites.ed.gov/idea/idea-files/qa-endrew-f-v-douglascounty-school-district-case-qa/



Use of Data

Data should be used to:

- √ assist in program effectiveness
- ✓ determining the need for change



Section 5: Academic Performance - Present Level

IDEA requirement - MUST fill

§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—
 - (1) A statement of the child's present levels of academic achievement and functional performance, including

MEASURABLE ANNUAL GOAL(S) (MUSER IX.3.A.(1)(b) & (c))

· · · · · · · · · · · · · · · · · · ·
ACADEMIC PERFORMANCE (Part B, ages 3 - 20) refers to a child's ability to perform age appropriate (comparable to same age/grade
peers) tasks and demonstrate appropriate skills in reading, writing, listening, speaking, and mathematical problem solving in the school
environment.
Present Levels of Academic Performance (MUSER IX.3.A.(1)(a)(i) & (ii)):
Child is on academic grade level with their peers.
OR .

Child is academically commensurate with their peers.

Measurable Goal (MUSER IX.3.A.(1)(b) & (c)

By date, given service, child's name will skill as measured by evidence.

Objective(s) required? ☐ Yes ☐ No

By date, given service, child's name will skill as measured by evidence.

Special Education Required Forms Procedural Manual Page 24

IDEA requires that a statement of the present level of academic performance must be included in each IEP even if the child does not exhibit any academic deficits that require special education services. If the child does not exhibit academic deficits, the present level statement should be included above the first goal only.

Example:

"The child is academically commensurate with his/her peers."



Section 5: Functional/Developmental Performance - Present Level IDEA requirement - MUST fill

FUNCTIONAL/DEVELOPMENTAL PERFORMANCE refers to how the child is managing daily activities in cognitive, communicative, motor, adaptive, social/emotional and sensory areas. Developmental performance (ages 3-5) refers to how the child is performing developmentally (comparable to same age/grade peers) in physical, cognitive, communicative, social, emotional, and/or adaptive							
areas.							
Present Levels of Functional/Developmental Performance (MUSER IX.3.A.(1)(a)(i) & (ii):							
Child's functional/development performance is commensurate with their peers.							
Measurable Goal (MUSER IX.3.A.(1)(b) & (c)	Progress:						
By <u>date</u> , given <u>service</u> , <u>child's name</u> will <u>skill</u> as measured by evidence.							
Objective(s) required? ☐ Yes ☐ No By date, given service, child's name will skill as measured by evidence.							



Special Education Required Forms Procedural Manual Page 26

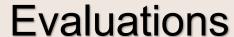
IDEA requires that a statement of the present level of functional performance must be included in each IEP even if the child does not exhibit any functional deficits that require special education services. If the child does not exhibit functional deficits, a present level statement should be included above the first goal only.

Example:

"Child is functionally commensurate with his/her peers."



For each skill gap, what is the child's present level of performance (baseline data)?



Exceptionality Identification



Academic and Functional Skill Gaps

Present Level of Performance



One-to-one correspondence. There needs to be a present level for each skill gap listed in sections 4C and 4D.

Special Education Required Forms Procedural Manual Page 24

- Academic performance refers to a child's ability to perform age appropriate (comparable to same age/grade peers) tasks and demonstrate appropriate skills in reading, writing, listening, speaking, and mathematical problem solving in the school environment.
- Include statement(s) of the child's current academic performance (baseline data) above each academic annual goal. The present level and annual goal should be aligned to the same skill. The IEP should include a present level and annual goal for all identified academic skill deficits listed in the Needs section. This statement should be written in a way that all members of the IEP Team can understand the current uniqueness of the child's academic performance. This should not include specific levels of programs and curriculum as not all IEP Team members will have foundational knowledge of the program being used and its unique leveling.



Special Education Required Forms Procedural Manual Page 25

- Developmental performance refers to how the child is performing developmentally (comparable to same age/grade peers) in physical, cognitive, communicative, social, emotional, and/or adaptive areas.
- Functional/Developmental performance refers to how a child is managing daily activities in cognitive, communicative, motor, adaptive, social/emotional and sensory areas.
- Include statement(s) of the child's current functional/developmental performance (<u>baseline data</u>) above each functional/developmental annual goal. The present level and annual goal should be addressing the same skill. The IEP should include a present level and annual goal for all identified functional/developmental skill deficits listed in the Needs section. This statement should be written in a way that all members of the IEP Team can understand the current uniqueness of the child's functional/developmental performance.



Present Level
Of
Performance



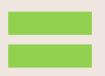
Understandable to all, including parents

Include statement(s) of the child's current academic performance (baseline data) above each academic annual goal. The present level and annual goal should be aligned to the same skill. The IEP should include a present level and annual goal for all identified academic skill deficits listed in the Needs section. This statement should be written in a way that all members of the IEP Team can understand the current uniqueness of the child's academic performance. This should not include specific levels of programs and curriculum as not all IEP Team members will have foundational knowledge of the program being used and its unique leveling.

- Procedural Manual page 24 & 25



Present Level
Of
Performance



Aligned with each Skill Gap in Sections 4C, 4D, & 4E

Include statement(s) of the child's current academic performance (baseline data) above each academic annual goal. The present level and annual goal should be aligned to the same skill. The IEP should include a present level and annual goal for all identified academic skill deficits listed in the Needs section. This statement should be written in a way that all members of the IEP Team can understand the current uniqueness of the child's academic performance. This should not include specific levels of programs and curriculum as not all IEP Team members will have foundational knowledge of the program being used and its unique leveling.

- Procedural Manual page 24 & 25



Present Level
Of
Performance



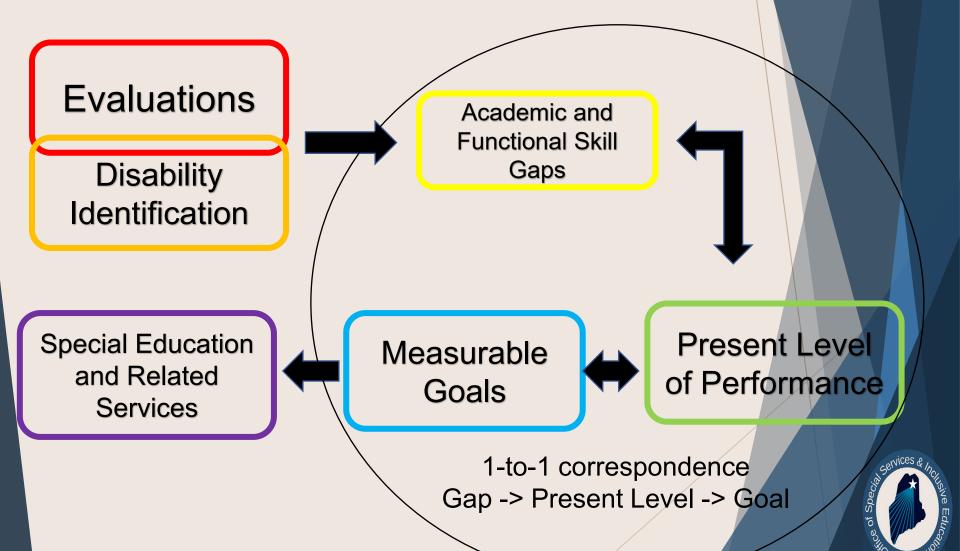
Aligned with Goal Immediately Following

Include statement(s) of the child's current academic performance (baseline data) above each academic annual goal. The present level and annual goal should be aligned to the same skill. The IEP should include a present level and annual goal for all identified academic skill deficits listed in the Needs section. This statement should be written in a way that all members of the IEP Team can understand the current uniqueness of the child's academic performance. This should not include specific levels of programs and curriculum as not all IEP Team members will have foundational knowledge of the program being used and its unique leveling.

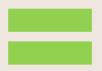
- Procedural Manual page 24 & 25



Alignment throughout the IEP document



Present Level
Of
Performance



Baseline
Data for
Specific Skill
Gap

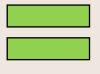
Include statement(s) of the child's current academic performance (baseline data) above each academic annual goal. The present level and annual goal should be aligned to the same skill. The IEP should include a present level and annual goal for all identified academic skill deficits listed in the Needs section. This statement should be written in a way that all members of the IEP Team can understand the current uniqueness of the child's academic performance. This should not include specific levels of programs and curriculum as not all IEP Team members will have foundational knowledge of the program being used and its unique leveling.

- Procedural Manual page 24 & 25



Same Data Point

Present Level
Of
Performance



Baseline Data

Measurable Goal



Measurement Data

Progress Monitoring



Present Level
Of
Performance



Subjective:

- "struggles with"
- "about"
- "sometimes"



Present Level
Of
Performance



Approximate:

- Less than 60%
- About 55%
- 60-70%
- ~ 40%



Present Level
Of
Performance



- Grades
- Grade Level
- Standard Scores
- Percentile
- Reading Level



Present Level
Of
Performance



Multiple Skills or Prerequisite Skills





Present
Level
Of
Performance



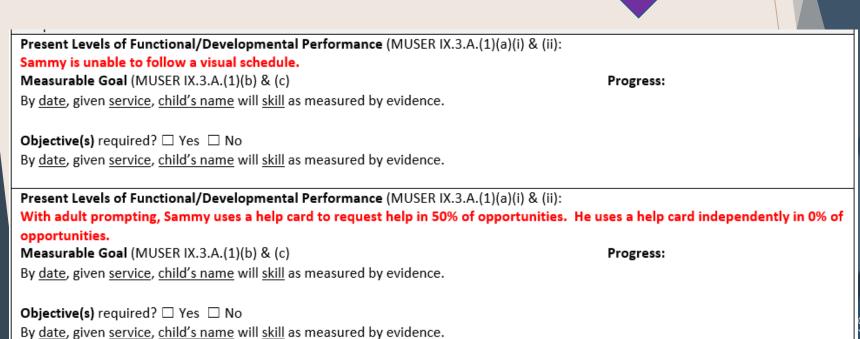
Baseline
Data for
Specific Skill
Gap



Present level of performance for <u>each</u> distinctly measurable and persistent skill gap.

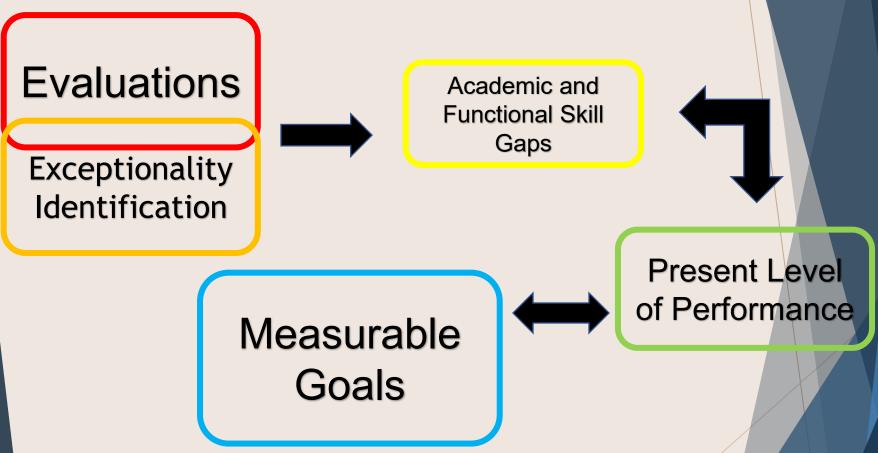
- **D.** Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **functional performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?
 - Follow visual schedule
 - Request help

These executive function gaps affect Sammy's ability to access age-appropriate classroom activities without aggression.





Measurable Goal for <u>each</u> distinctly measurable and persistent skill gap.



One-to-one correspondence. There needs to be a goal for **each** skill gap listed in sections 4C and 4D.



Measurable Goal for <u>each</u> distinctly measurable and persistent skill gap.

- **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?
 - Follow visual schedule
 - Request help

These executive function gaps affect Sammy's ability to access age-appropriate classroom activities without aggression.

Present Levels of Functional/Developmental Performance (MUSER IX.3.A.(1)(a)(i) & (ii):	
Sammy is unable to follow a visual schedule.	
Measurable Goal (MUSER IX.3.A.(1)(b) & (c)	Progress:
By date, given service, child's name will skill as measured by evidence.	
By February 2024, given specially designed instruction and a visual schedule with up to 4	
tasks, Sammy will follow the task analysis (<u>1.Remove</u> visual for completed task 2.Place	
visual on "all done" square 3.Reference visual for next task 4.Travel to appropriate	
room/area) with 40% independence over 5 consecutive days as measured by daily data	
collection.	
Objective(s) required? ☐ Yes ☐ No	
By date, given service, child's name will skill as measured by evidence.	
Present Levels of Functional/Developmental Performance (MUSER IX.3.A.(1)(a)(i) & (ii):	
With adult prompting, Sammy uses a help card to request help in 50% of opportunities.	He uses a help card independently in 0% of
opportunities.	
Measurable Goal (MUSER IX.3.A.(1)(b) & (c)	Progress:
By date, given service, child's name will skill as measured by evidence.	
By February 2024, given specially designed instruction, BCBA consultation, and access to	a
help card, Sammy will follow the task analysis (<u>1.Pick</u> up help card 2.Reach to	
communicative partner 3. Release help card) with 30% independence over 5 consecutive	
days as measured by daily data collection and reduced instances of aggression.	
Objective(s) required? ☐ Yes ☐ No	
By date, given service, child's name will skill as measured by evidence.	



A note from recent case law: Beer v. USD 512 Shawnee Mission

The court identified various defects in the IEP, including outdated data and vague language, and implementation failures that resulted in substantive losses to the child and the parents.

Source:

https://perryzirkel.com/2023/04/04/april-2023-legal-update/



- Skill specific measurements/assessment
- Qualitative data through teacher observation
- Checklist or daily log
- Running record
- Work samples
- Rubric (attach rubrics to the IEP)



Present Level of Performance Data is <u>not</u>:

- Eligibility / Evaluation Data
- State and Local Assessments
- Grades or Report Card
- Specific Curriculum



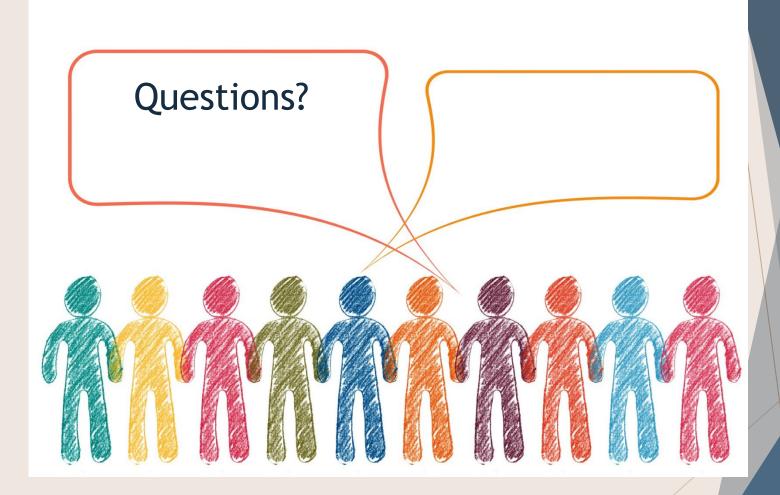
What if I don't have baseline data?

A quick probe will give you point-in-time baseline data.

a school must offer an IEP that is reasonably calculated to enable a child to make progress

https://sites.ed.gov/idea/ideafiles/qa-endrew-f-v-douglascounty-school-district-case-qa/ Question: If you don't know where the student is now (present level), how do you determine where they can go in one year (goal measurement)?







Collecting and Analyzing Data

2. Mr. Berry's second proof. This is expressed by the equations

$$\int_{0}^{\infty} \frac{\sin x}{x} dx = \frac{1}{2} \int_{-\infty}^{\infty} \frac{\sin x}{x} dx = \frac{1}{2} \sum_{i=-\infty}^{\infty} \int_{i\pi}^{(i+1)\pi} \frac{\sin x}{x} dx$$

$$= \frac{1}{2} \sum_{-\infty}^{\infty} (-1)^{i} \int_{0}^{\pi} \frac{\sin x}{x - i\pi} dx = \frac{1}{2} \int_{0}^{\pi} \sin x \sum_{-\infty}^{\infty} \frac{(-1)^{i}}{x + i\pi} dx$$

$$= \frac{1}{2} \int_{0}^{\pi} \sin x \csc x dx = \frac{1}{2} \pi.$$

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Data sheets will only be used with fidelity if they make sense to the person collecting data.



Data Sheets can be simple!

Single Digit Additio	n (score + or	-)								
% correct (number	of + / total op	pportunities)							
6 piece puzzle (score each piece + or -)										
/6 correct, % correct										

Request break

+ if student independently requests break

P if student requests a break with adult prompting

- if student exhibits interfering behaviors (elope, aggression) instead of requesting break

% independence (number of + / total opportunities) _____



Sample Data



Sample Data

Request Break

- + if student independently requests a break
- P if student requests a break with adult prompting
- if student exhibits target behavior instead of requesting a break

P	P	 P	 	+	P	P	

% independence (number of + / total) 19 120/0

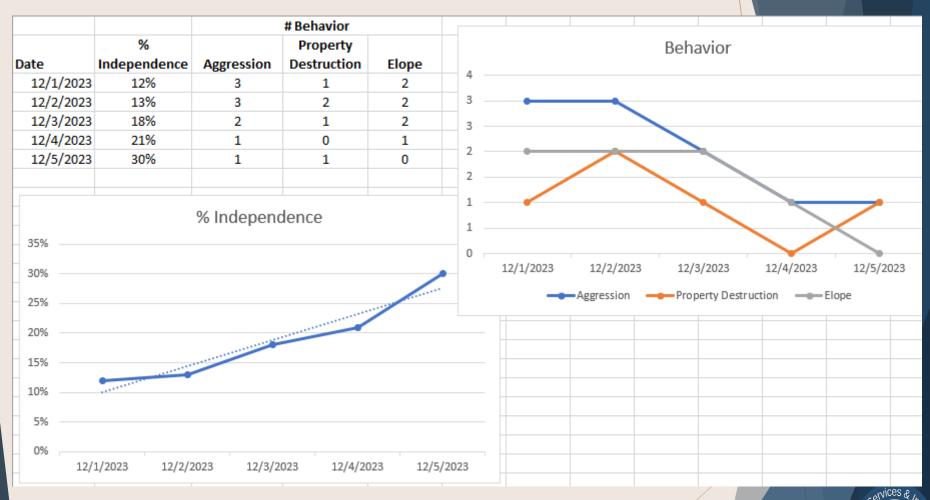
Request Break

- + if student independently requests a break
- P if student requests a break with adult prompting
- if student exhibits target behavior instead of requesting a break

Time	Activity	Behavior	Score	
8:.20	arrival		P	
8:55	tx to morning mtg	elope	_	
8:55	morning mtg		P	
9:10	morning mtg		P	
9:19	1,	aggression	_	
9:25	10 10	00	P	
9:32	tx to snack		+	

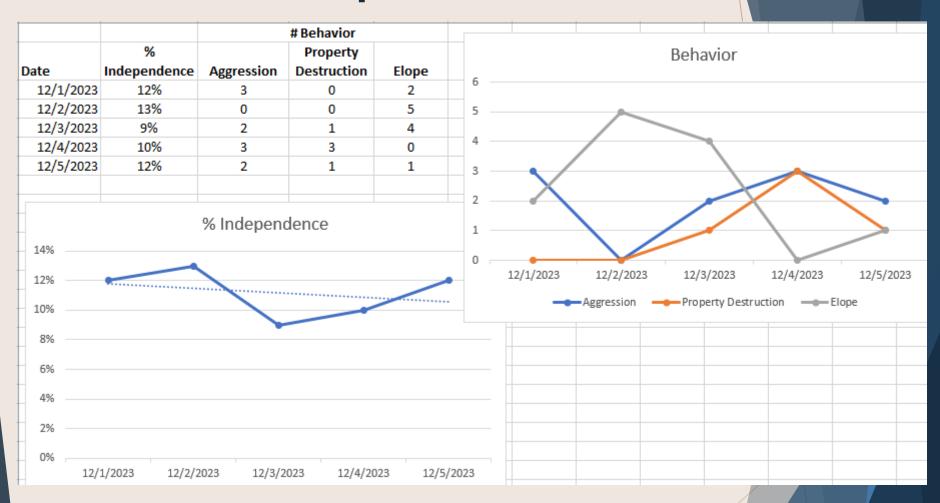


Request Break





Request Break



What do I do when I see the student isn't progressing?



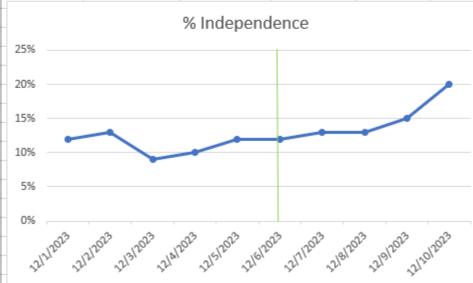
What do I do when I see the student isn't progressing?

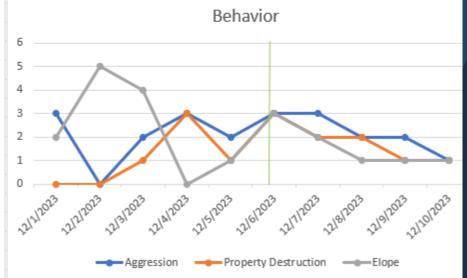
- 1. Form hypothesis based on knowledge of child and past observations.
- 2. Do some observations.
- 3. Spend time working with the student and collecting data.
- 4. Inter-rater reliability check and training.



Request Break

						1		_
			# Behavior					'
	%		Property					
Date	Independence	Aggression	Destruction	Elope				
12/1/2023	12%	3	0	2				
12/2/2023	13%	0	0	5				
12/3/2023	9%	2	1	4				
12/4/2023	10%	3	3	0				
12/5/2023	12%	2	1	1				
12/6/2023	12%	3	3	3	Implemented change in prompting protocol			
12/7/2023	13%	3	2	2				
12/8/2023	13%	2	2	1				
12/9/2023	15%	2	1	1				
12/10/2023	20%	1	1	1				





Note when you make programming changes



How long do I take data before I know that the student is or isn't making progress?

It depends on:

- the student
- the skill
- the task

Your experience with and knowledge of the student will inform this decision.

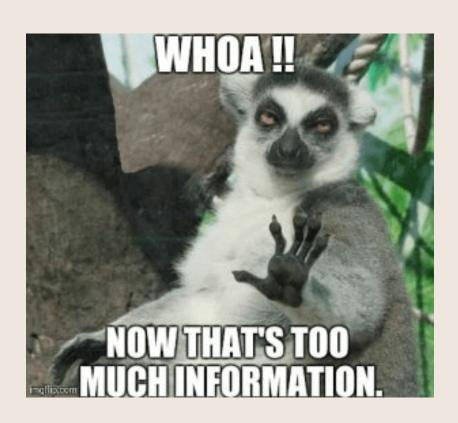


Recap

- The data sheet must make sense to the person collecting data.
- Look at your data often. It will tell you when a student is not making progress.
- If a student isn't making progress, you need to change something. You may have to try several changes before you find the right one for that student.
- Data analysis drives programming!



Office Hours Archives - Data Collection Modules







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What's wrong?

- **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?
 - Vowel sounds
 - Decoding

These skill gaps affect Stanley's ability to access grade level texts.

Present Levels of Academic Performance (MUSER IX.3.A.(1)(a)(i) & (ii)):

Stanley struggles with identifying vowel sounds.

Measurable Goal (MUSER IX.3.A.(1)(b) & (c)

By date, given service, child's name will skill as measured by evidence.

By December 2024, given Specially Designed Instruction, Stanley will identify 5 short vowel sounds with 100% accuracy as measured by weekly data collection.

Present Levels of Academic Performance (MUSER IX.3.A.(1)(a)(i) & (ii)):

Stanley reads 35 words correct per minute using a 1st grade text.

Measurable Goal (MUSER IX.3.A.(1)(b) & (c)

By date, given service, child's name will skill as measured by evidence.

By December 2024, given Specially Designed Instruction, Stanley will decode regular words up to 5 letters with 60% accuracy as measured by weekly data collection.



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



What's wrong?

- **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?
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Present Levels of Academic Performance (MUSER IX.3.A.(1)(a)(i) & (ii)):

Stanley reads 35 words correct per minute using a $\mathbf{1}^{\text{st}}$ grade text.

Measurable Goal (MUSER IX.3.A.(1)(b) & (c)

By date, given service, child's name will skill as measured by evidence.

By December 2024, given Specially Designed Instruction, Stanley will decode regular words up to 5 letters with 60% accuracy as measured by weekly data collection.





- Subjective language
- No baseline data
- Present level and goal alignment



Instead

- **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?
 - Vowel sounds
 - Decoding

These skill gaps affect Stanley's ability to access grade level texts.

Present Levels of Academic Performance (MUSER IX.3.A.(1)(a)(i) & (ii)):

Stanley can identify 5 long vowel sounds and 0 short vowel sounds.

Measurable Goal (MUSER IX.3.A.(1)(b) & (c)

By date, given service, child's name will skill as measured by evidence.

By December 2024, given Specially Designed Instruction, Stanley will identify 5 short vowel sounds with 100% accuracy as measured by weekly data collection.

Present Levels of Academic Performance (MUSER IX.3.A.(1)(a)(i) & (ii)):

Stanley decodes regular words with 14% accuracy.

Measurable Goal (MUSER IX.3.A.(1)(b) & (c)

By date, given service, child's name will skill as measured by evidence.

By December 2024, given Specially Designed Instruction, Stanley will decode regular words up to 5 letters with 60% accuracy as measured by weekly data collection.



What's wrong?



Present Levels of Functional/Developmental Performance (MUSER IX.3.A.(1)(a)(i) & (ii):

Helen will request a break with adult prompting in approximately 10-15% of opportunities. Measurable Goal (MUSER IX.3.A.(1)(b) & (c)

By date, given service, child's name will skill as measured by evidence.

By December 2024, given specially designed instruction, Helen will independently request a break in 30% of opportunities as measured by daily data collection and reduced instances of aggression.

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



What's wrong?

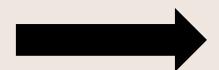


Present Levels of Functional/Developmental Performance (MUSER IX.3.A.(1)(a)(i) & (ii):

Helen will request a break with adult prompting in approximately 10-15% of opportunities. Measurable Goal (MUSER IX.3.A.(1)(b) & (c)

By <u>date</u>, given <u>service</u>, <u>child's name</u> will <u>skill</u> as measured by evidence.

By December 2024, given specially designed instruction, Helen will independently request a break in 30% of opportunities as measured by daily data collection and reduced instances of aggression.



- "approximately"
- Range ("10-15%")
- No baseline data



Instead



Present Levels of Functional/Developmental Performance (MUSER IX.3.A.(1)(a)(i) & (ii):

Helen does not independently request breaks.

Measurable Goal (MUSER IX.3.A.(1)(b) & (c)

By date, given service, child's name will skill as measured by evidence.

By December 2024, given specially designed instruction, Helen will independently request a break in 30% of opportunities as measured by daily data collection and reduced instances of aggression.



QUest/0/15?

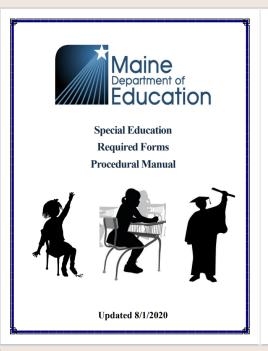
ME: THIS SHOW IS BORING.

BOSS: AGAIN, THIS IS A ZOOM MEETING.





Procedural Manual



	Page
Advance Written Notice	3
Determination of Adverse Effect	6
Documentation of Agreement of Non-Attendance for IEP/IFSP Team member whose Curriculum Area IS NOT being Discussed	12
Documentation of Agreement of Non-Attendance for IEP/IFSP Team member whose Curriculum Area IS being Discussed	13
Individualized Education Program	14
Parental Consent for Evaluation	43
Parental Consent to Invite Other Agencies to IEP Meetings – Postsecondary Goals & Transition Services	47
Referral for Special Education Services.	49
Revocation of Special Education Services	60
Seven Day Waiver	61
Specific Learning Disability Eligibility Form	62
Speech or Language Impairment Eligibility Form	74
Summary of Performance	82
Written Notice	87
The IEP Committee: atricia Block, RSU #12	
Mary Adley, Maine DOE .aurie Lemieux, Winthrop School Dept.	
Roberta Lucas, Maine DOE	
Kris Michaud, CDS Shelby Thibodeau, Augusta School Dept.	
Dan Hemdal, Maine DOE	
Ryan Meserve, RSU #38	
Riley Donovan, RSU #64	



Maine Unified Special Education Regulations (MUSER)



05-071 Chapter 101

Maine Unified Special Education Regulation Birth to Age Twenty

Effective Date:

August 25, 2017



2023-24 Cohort IEP Quick Reference Document

2023-2024 Cohort – Tips and Tricks for Writing a Compliant IEP

For more information, click here for the Special Education Required Forms Procedural Manual

Finding	Location	MUSER Citation	<u>Criteria</u>	
RAE1	Section 4A	Results of initial or most recent evaluations of the child. 34 CFR 300.324(a)(1)(iii) MUSER IX.3.C(1)(c)	Include evaluations that support the eligibility discussion Include evaluation name All evaluations must be dated	
AFS1	Section 4B	Academic, Functional, and/or Developmental strengths of the child 34 CFR 300.324(a)(1)(i) MUSER IX.3.C(1)(a)	 Based on observations Include areas of strength and relative strengths NOT a restatement of evaluations 	
APG2	Section 4C	Academic needs (distinctly measurable and persistent skill gap) of the child. 34 CFR 300.324(a)(1)(iv) MUSER IX.3.C(1)(d)	 Academic Distinctly Measurable and Persistent Skill Gaps Best documented in a bulleted list Make sure to include specific skill deficits Fluency, Comprehension, etc. instead of Reading 	





Professional Development Calendar

Link for Recordings and Power Points





Special Education Resources

Special Education Laws and Regulations





Special Education Forms and Reporting



2023-24 Professional Development

<u>DATE</u>	TOPIC/DESCRIPTION
Wednesday 9/13/23	Resources
Wednesday 9/27/23	Transition from CDS to Public School
Friday 9/29/23	Q&A Session
Wednesday 10/11/23	Abbreviated Day
Tuesday 10/24/23	Fall All District IEP Training
Tuesday 10/24/23	Fall All District B-13 Training
Wednesday 10/25/23	Discipline & Manifestation Determination
Friday 10/27/23	Q&A Session
Wednesday 11/8/23	*Alignment and DIB1 (Disability Alignment)*
Wednesday 12/13/23	Orientation and Mobility
Wednesday 12/20/23	Compliant Transition Plans
Tuesday 1/9/24	Winter All District B-13 Training
Tuesday 1/9/24	Winter All District IEP Training
Wednesday 1/10/24	Advanced Written Notice & Written Notice



2023-24 Professional Development (cont.)

<u>DATE</u>	TOPIC/DESCRIPTION	REGISTRATION LINK	
Wednesday 1/24/24	Present Level of Performance	Present Level of Performance Registration Link	
Friday 1/26/24	Q&A Session	Q & A Registration Link	
Wednesday 2/14/24	Writing Measurable Functional Goals and Avoiding Outcomes	Writing Measurable Functional Goals Registration Link	
Wednesday 2/28/24	Transition from CDS to Public School	Transition from CDS to Public School	
Wednesday 3/13/24	*Least Restrictive Environment*	Registration Link Least Restrictive Environment	
Wednesday 3/27/24	Forms – (AE attached to WN)	Registration Link Forms (AE attached to WN) Registration Link	
Friday 3/29/24	Q&A Session	Q & A Registration Link	
Wednesday 4/10/24	Special Education Law for General Education Teachers	Special Education Law for General Education Teachers Registration Link	
Wednesday 4/24/24	IEP Essentials	IEP Essentials Registration Link	
Friday 4/26/24	Q&A Session	Q & A Registration Link	
Thursday 5/2/24	Spring All District IEP Training	IEP Training Registration Link (5/2/24)	
Thursday 5/2/24	Spring All District B-13 Training	B-13 Training Registration Link (5/2/24)	
Wednesday 5/8/24	Consultation/Related Service Goals	Consultation/Related Service Goals Registration Link	
Wednesday 5/22/24	Data Collection	Data Collection Registration Link	
Friday 5/24/24	Q&A Session	Q & A Registration Link	

Please consider sharing the links to these PD opportunities with general education teachers:

Wednesday 10/25/23 - Discipline & Manifestation Determination

Wednesday 4/10/24 - Special Education Law for General Education Teachers

Please consider sharing the links to these PD opportunities with <u>related</u> <u>service providers</u>:

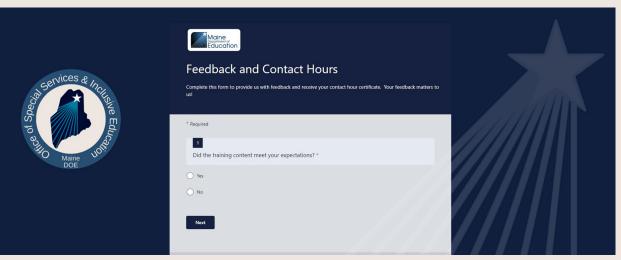
Wednesday 2/14/24 - Writing Measurable Functional Goals and Avoiding Outcomes

Wednesday 5/8/24 - Consultation/Related Service Goals





Professional Learning Feedback and Contact Hour Form.



OR Use the link to complete the form on your computer

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

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











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THANKYOU!

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