This Photo by Unknown Author is licensed under CC BY-SA-NC

This Training is being Recorded.

Please contact Julie Pelletier at

julie.pelletier@maine.gov for the recording.

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

Please feel free to drop any questions in the Chat Box and we will answer them.

Maine Department of Education

Endrew F. and It's Impact on IEP Development and FAPE

Maine DOE

Office of Special Services

Monitoring Team

Updated 10/19/2021

Maine Department of Education

This Photo by Unknown Author is licensed under CC BY-NC

Colette Sullivan – Federal Programs Coordinator
colette.sullivan@maine.doe

Leora Byras – Special Education Consultant
leora.byras@maine.gov

Jennifer Gleason – Special Education Consultant
jennifer.Gleason@maine.gov

Julie Pelletier – Secretary Associate
julie.pelletier@maine.gov

Maine Department of Education

Maine Department of Education

Agenda

1. Introductions
2. Overview of Eligibility Criteria
3. Overview of Eligibility Forms
4. Endrew F.
5. IEP
6. Other Considerations
7. Frequently Asked Questions

Maine Department of Education

This Photo by Unknown Author is licensed under CC BY-SA-NC

Procedural Manual in Chat Box

Maine Department of Education

Maine Unified Special Education Regulations (MUSER) in Chat Box

05-071 Chapter 101

Maine Unified Special Education Regulation
Birth to Age Twenty

Effective Date:

August 25, 2017

Italicized text signifies State requirements
Non-italicized text signifies federal statutory or regulatory requirements

Endrew F. vs. Douglas County School District

https://www.youtube.com/watch?v=CF7RmLJo32c

Maine Department of Education

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

How is FAPE Defined in the IDEA?

Under the IDEA, FAPE is defined to include special education and related services that:

(1) are provided at public expense, under public supervision and direction, and without charge;
(2) meet the standards of the State educational agency (SEA), including IDEA Part B requirements,
(3) include an appropriate preschool, elementary school, or secondary school education in the State involved; and
(4) are provided in conformity with an IEP that meets the requirements of 34 CFR 300.320 through 300.324.

Further, each child with a disability is entitled to receive FAPE in the Least Restrictive Environment. (LRE).

Maine Department of Education

https://sites.ed.gov/idea/files/qa-endrewcase-12-07-2017.pdf

Section 1: SAU, Date Sent to Parent and Child Information

SAU or CDS Site:

Date IEP Sent to Parent:

1. CHILD INFORMATION

Child's Name:		Annual Date of IEP Meeting:
Date of Birth:		Duration of the IEP:
Age:	Grade:	Date of Next Annual IEP Meeting:
School/Program:		Date of Re-Evaluation:
Parent/Guardian Name:		Date(s) of Amended IEP:
Child's Address:		Case Manager:
City, State, ZIP:		

State Agency Client? ☐ YES ☐ NO

Maine Department of Education

Section 1: SAU, Date Sent to Parent and Child Information

The date of the annual review must not exceed 364 days from the last annual IEP meeting:

Annual Date of IEP Meeting: 12/3/2021
Duration of the IEP: 12/13/2021-12/12/2022
Date of Next Annual IEP Meeting: 12/2/2022

The Duration of the IEP also can not exceed 364 days.

(5) To review, at least annually, the Individualized Education Program of each child with a disability to:

Maine Department of Education

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)*

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

Maine Department of Education

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

Section 2: Disability

Autism –

Autism means a developmental disability significantly affecting verbal and non-verbal communication and social interaction, generally evident before age 3, that adversely affects educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences.

34 CFR 300.8(c)(1)(i-iii)

Procedures for Determination

(All Steps Required)

- Data from general education interventions, if appropriate, utilizing research based intervention techniques indicate that the response to general education intervention is not adequate.
- Diagnostic impressions will be based upon an evaluation undertaken by a qualified professional who is qualified to make a diagnostic impression under the DSM codes for pervasive developmental disorders.

Maine Department of Education

Section 2: Disability

Deaf-Blindness –

Deaf-Blindness means a concomitant visual and hearing impairments, the combination of which causes such severe communication, and other developmental and educational needs that he cannot be accommodated in special education programs solely for children with deafness or children with blindness.

34 CFR 300.8(c)(2)

Procedures for Determination

(All Steps Required)

- Deaf-Blindness is a separate eligibility category. These children should not be categorized or counted as multiply disables, unless there is another distinct disability and the team in unable to determine the primary disability.
- Audiological and medical evaluations are utilized as part of the multidisciplinary evaluation in determination of eligibility.

Maine Department of Education

Section 2: Disability

Deafness –

Deafness means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects the child's educational performance.

34 CFR 300.8 (c)(3)

Procedures for Determination

(All Steps Required)

- Audiological and medical evaluations will determine the diagnosis under this criterion.
- Once deafness is diagnosed, further assessments by specialists in the field of deaf education are needed for the IEP Team's determination of adverse effect on educational performance and language acquisition. These additional assessments may be conducted by a Teacher of the Deaf/Hearing Impaired, a speech-language pathologist, or other qualified personnel, as deemed appropriate by the IEP Team.

Maine Department of Education

Section 2: Disability

Developmental Delay –

A child with a disability aged 3-5, may, at the discretion of the local educational agency, include a child experiencing developmental delays, as defined below and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development; cognitive development; communication development; social or emotional development; or adaptive development; and who, by reason thereof needs special education and related services.

20 USC 1401 (a)(3)(B)(i-ii)

- The measured delays must be so significant as to adversely affect the child's educational performance or achievement in age-relevant developmentally, and individually appropriate activities such that the child does not achieve or perform at a level commensurate with that of typically developing children of the same age.
- Every effort will be made to identify a child's primary disability under one of the other Part B eligibility criteria, reserving developmental delay for those situations in which a clear determination cannot be made under any other category.

Maine Department of Education

Section 2: Disability

DD – Procedures for Determination

(All Steps Required)

- A developmental delay will be determined through the use of standardized measures intended to examine all five areas of development, and administered by a qualified individual with formal training in professional standards of the assessment of young children.
- Criteria for identifying significant delays are scores of at least 1.5 standard deviations below the mean in at least two of the five listed domains or 2 standard deviations below the mean in one of the five listed domains.
- The composite standard score of the overall domain will be used to determine a standard deviation below the mean in a developmental area.
- The identification of a young child with a developmental delay will include consideration of an observation of the child in the learning environment or an environment appropriate for a child of that age, to document educational performance and behavior in the areas of difficulty. The observation will be done by a certified special education personnel, other than the child's current provider.
- The IEP Team will determine if the child's delay adversely affects the child's educational performance.

Section 2: Disability

Emotional Disturbance –

Emotional Disturbance means a condition which exhibits one or more of the following characteristics over a long period of time and to a marked degree that adversely affects the child's educational performance:

(a) An inability to learn that cannot be explained by intellectual, sensory, or health factors;

(b) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

(c) Inappropriate types of behaviors or feelings under normal circumstances;

(d) A general pervasive mood of unhappiness or depression;

(e) A tendency to develop physical symptoms or fears associated with personal or school problems.

Procedures for Determination

(All Steps Required)

- Data from general education interventions. If appropriate, utilizing research based intervention techniques indicate that the response to general education intervention is not adequate.
- Evaluation will be done by qualified personnel who is qualified to make a diagnostic impression under the DSM codes.

Maine Department of Education

Section 2: Disability

Hearing Impairment –

Hearing impairment means an impairment in hearing whether permanent or fluctuating, that adversely affects the child's educational-performance but who is not included under the definition of deafness in *Section VII.(2)(C) of this rule.*

34 CFR 300.8(c)(5)

Procedures for Determination

(All Steps Required)

- An audiological and a medical evaluation are to be utilized as part of the multidisciplinary determination of eligibility under this criterion.
- The IEP Team will determine if the impairment adversely affects the child's educational performance.

Maine Department of Education

Section 2: Disability

Intellectual Disability –

Intellectual Disability means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behaviors and manifested during the developmental period that adversely affect the child's educational performance.

34 CFR 300.8(c)(6)

Procedures for Determination

(All Steps Required)

- Diagnostic impression will be based upon an evaluation completed by a professional who is qualified to make a diagnostic impression under current DSM codes, as part of the multidisciplinary evaluation.
- The IEP Team will determine if the impairment adversely affects the child's educational performance.

Maine Department of Education

Section 2: Disability

Multiple Disabilities –

Multiple Disabilities means concomitant impairments the combination of which causes such severe educational needs that the child cannot be accommodated in special educational programs solely for one of the impairments. The term does not include children who have deaf-blindness.

34 CFR 300.8(c)(7)

Procedures for Determination

(All Steps Required)

- A child under this category will have a diagnostic report which specifically articulates the distinct documented disabilities-the combination of which causes such severe educational needs that the child cannot be accommodated in special education programs solely for one impairment. The disabilities are concomitant.
- If the IEP Team is unable to determine a primary disability and the conditions under (a) are met, the child should be categorized as a child with multiple disabilities.

Maine Department of Education

Section 2: Disability

- If a child qualifies as Multiple Disability,
  - you must identify the ***concomitant*** disabilities
  - disability as identified by those listed in Section 2 (not by diagnosis)

- Multiple Disability Identification (2017-2018):
  - ME-DOE Administrative Letter 14 (May 7, 2018)
    - National Percentage: 2.34%
    - State Percentage: 10.77% (3 states/territories higher)

Maine Department of Education

Section 2: Disability

Orthopedic Impairment –

Orthopedic Impairment means a severe orthopedic impairment that adversely affects the child's educational performance. The term includes impairments caused by congenital anomaly, impairments caused by disease (e.g. cerebral palsy, amputations and fractures or burns that cause contractions).

34 CFR 300.8(c)(8)

Procedures for Determination

(All Steps Required)

- A referral shall include a diagnosis from a licensed physician as to the existence of an orthopedic impairment, resulting from a congenital anomaly, disease or other condition.
- The IEP Team will determine if the impairment adversely affects the child's educational performance.

Maine Department of Education

Section 2: Disability

Other Health Impairment –

Other health impairment means having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems, such as asthma, attention deficit disorder, attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, or sickle cell anemia, Tourette Syndrome and adversely affects the child's educational performance.

34 CFR 300.8(c)(9)

Maine Department of Education

Section 2: Disability

OHI – Procedures for Determination

(All Steps Required)

- Data from general education interventions, if appropriate, using research based intervention techniques indicate that the response to general education intervention is not adequate.
- The I.E.P Team shall consider any available written diagnoses, and/or educational, psychological or medical evaluation results relevant to the identification process.
- Current diagnostic criteria must have been considered in making the diagnosis or diagnostic impression.
- The I.E.P Team shall review written reports of observations conducted across settings including observations within the educational environment, if the child is participating in an educational environment. These observations must include a comparison of the referred/identified student's behaviors to same-aged peers' behaviors from the same environment.

Maine Department of Education

Section 2: Disability

OHI – Procedures for Determination continued

(All Steps Required)

- When considering eligibility due to an attention deficit hyperactivity disorder, diagnostic impressions of ADHD must be based on a multi-method and multi-informant assessment process conducted across multiple environments including the educational setting for children participating in an educational setting. Methods for ADHD assessment must include at least the following:
  - ✓ psychosocial history
  - ✓ clinical interviews
  - ✓ structured observations of the child's behavior in the educational setting.
  - ✓ Behavior rating scales measuring features of attention, hyperactivity and impulsivity across multiple settings including the educational setting; and
  - ✓ Measure that rule out other disorders that may manifest with similar symptoms.
- A child with a medical condition listed under Other Health Impairment may also be eligible under another category if he or she meets the criteria for that other category and needs special education and related services. All children who have one or more conditions listed under Other Health impairment are not necessarily eligible to receive special education services under IDEA.

Maine Department of Education

Section 2: Disability

Speech or Language Impairment –

Speech or language impairment means a communication disorder such as stuttering, impaired articulation, a language impairment, or a voice impairment that adversely affects the child's educational performance.

34 CFR 300.8(c)(11)

Procedures for Determination

(All Steps Required)

- Data from general education interventions, if appropriate, utilizing research based intervention techniques indicate that the response to intervention is not adequate.
- For assessments that provide standard scores, the criteria for determining disability will be in the moderate to severe range for the child's age as determined by the rating scale.
- For assessments that do not provide standard scores, criterial for a moderate to severe disability must be met by the quantifiable measure as determined by the rating scales
- For clinical observations documenting the effect of communication on educational performance in evaluation reports, the criteria for meeting a moderate to severe disability must be detailed by the examiner as determined by the rating scales.
- Evaluation data shall entered into a rating scale by the IEP Team which measures a moderate to severe level of speech or language impairment in all levels of assessment.
- Diagnosis will be by a licensed or certified professional who is qualified to make a diagnosis under this criteria.

Maine Department of Education

Section 2: Disability

Specific Learning Disability –

Specific Learning Disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that my manifest itself in an imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. Specific learning disabilities does not include learning problems that are primarily the result of visual, hearing or motor disabilities, of intellectual disability, of emotional disturbance or environmental, cultural or economic disadvantage.

34 CFR 300.8(c)(10)

Maine Department of Education

Section 2: Disability

SLD – Procedures for Determination

- Evidence from multiple viable and reliable sources demonstrates that the child does not achieve adequately for the child's age or State approved grade level standards in oral expression, listening comprehension, written expression, basic reading skill, reading fluency skills, reading comprehension, mathematics calculation, mathematical problem solving; and
- The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State approved grade level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability, using appropriate assessments.

Maine Department of Education

Section 2: Disability

SLD – Procedures for Determination continued

- To determine a pattern of strengths and weaknesses, the IEP Team must consider the following:
  - data collected when using a process based on the child's response to scientific, research-based intervention; including general education interventions;
  - Classroom performance data;
  - Achievement data based on summative assessments, State assessments or scientifically-based assessments;
  - Psychological processing data from standardized measures to identify contributing factors: and
- The group determines that its findings are not primarily the result of
  - Visual, hearing or motor disability
  - Intellectual disability
  - Emotional disturbance
  - Cultural factors
  - Environmental or economic disadvantage or
  - Limited English proficiency

Maine Department of Education

Section 2: Disability

Traumatic Brain Injury –

Traumatic brain injury means an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment or both that adversely affects a child's educational performance. The term applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition, language, memory, attention, reasoning, abstract thinking, judgement, problem-solving, sensory, perceptual and motor abilities, psychosocial behavior, physical functions, information processing and speech. The term does not apply to brain injuries that are congenital or degenerative, or bran injuries induced by birth trauma.

34 CFR 300.8(c)(12)

Procedures for Determination

(All Steps Required)

- Evaluation will be done by qualified personnel who are qualified to make the diagnosis
- The IEP Team will determine if the impairment adversely affects the child's educational performance.

Maine Department of Education

Section 2: Disability

Visual Impairment Including Blindness –

Visual impairment including blindness means an impairment in vision that, even with correction, adversely affects the child's educational performance. The term includes both partial sight and blindness.

34 CFR 300.8(c)(13)

Procedures for Determination

(All Steps Required)

- A child displays a visual impairment when a visual impairment or progressive vision loss has been diagnosed by a licensed, qualified optometrist or ophthalmologist, and the diagnostic report indicates that the child displays a visual impairment.

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

Section 2: Disability

1. Document the disability based on the initial or reevaluation eligibility decision (identifies areas of need)

2. Eligibility requires the use of at least one of these forms:
   a. Speech or Language Impairment Eligibility Form
   b. Specific Learning Disability Eligibility Form
   c. Form for Determination of Adverse Effect on Educational Performance

Maine Department of Education

Section 2: Disability

Procedure for Determination of Adverse Effect on Educational Performance –

This procedure applies only to the following disability eligibility categories:

Autism, Deafness, Developmental Delay, Emotional Disturbance, Hearing Impairment, Intellectual Disability, Orthopedic Impairment, Other Health Impairment, ~~Speech or Language Impairment~~, Traumatic Brain Injury and Visual Impairment including Blindness.

This section does not apply to the following disabilities where the demonstration of adverse effect is not required as a condition for special education eligibility:

Deaf-Blindness, Multiple Disabilities and Specific Learning Disability.

Maine Department of Education

The Maine State Required Forms Procedural Manual. (DOC, updated 08.01.2020) The Department, in collaboration with a group of special education administrators, developed this manual as a resource for educators looking for guidance in the proper use and interpretation of the Maine state required forms. Currently containing sections covering the IEP, Written Notice, Summary of Performance, and Form for the Determination of Adverse Effect on Educational Performance, the Manual, when completed, will include a section for each of the required forms.

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

Maine Department of Education

Eligibility Forms

Table of Contents

	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

Maine Department of Education

Adverse Effect on Educational Performance

Maine Department of Education

Form for the Determination of Adverse Effect on Educational Performance

Maine Unified Special Education Regulations (MUSER VII.3)

Date of Meeting:			SAU:	
Child's Name:			School:	
Date of Birth:		Grade:	School Phone:	
Parent/Guardian Name:			School Address:	
Parent/Guardian Address:			City, State Zip:	
Parent/Guardian City, State Zip:			School Contact:	

Reason for use of form: ☐ Initial Eligibility ☐ Continuing Eligibility/Dismissal

This form is to be used to consider eligibility for all disability categories except Specific Learning Disability, Speech or Language Impairment, and Deaf-Blindness.

Adverse effect/Adversely affects definition (MUSER II.3)
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. An adverse effect on educational performance does not include a developmentally appropriate characteristic of age/grade peers in the general population.

I.A. The IEP Team has reviewed the following assessment(s) or data source(s) to determine adverse effect resulting from the child's disability [check one of the boxes in each category and provide verification by describing the data that supports the determination as to whether or not adverse effect is demonstrated]:

* N/A=not available

	Yes	No	N/A*
1. Do standard or percentile scores on nationally-normed, individually- administered achievement test(s), or for children ages 3 to 5, appropriate multi-domain nationally-normed test(s) or rating scale(s), demonstrate adverse effect? Verification:	☐	☐	☐

Maine Department of Education

Adverse Effect on Educational Performance

	Yes	No	N/A*
2. Do standard or percentile scores on nationally-normed, group-administered achievement test(s), including nationally-normed, curriculum- based measures, demonstrate adverse effect? Verification:	☐	☐	☐
3. Do any reports prepared by the SAU or presented by the parent/guardian that reflect academic or functional performance document adverse effect? Verification:	☐	☐	☐
4. Does the child's performance on comprehensive assessments based on a system of learning results, or the Common Core as of 2014, or measurements of indicators within the Early Childhood Learning Guidelines, demonstrate adverse effect? Verification:	☐	☐	☐
5. Do criterion-referenced assessments of academic or functional performance demonstrate adverse effect? Verification:	☐	☐	☐
6. Do child work products, language samples, or portfolios demonstrate adverse effect? Verification:	☐	☐	☐
7. Does disciplinary evidence, or rating scales based on systemic observations in more than one setting (whenever possible) by professionals or parents/guardians, demonstrate adverse effect? Verification:	☐	☐	☐
8. Do the child's attendance patterns demonstrate adverse effect?	☐	☐	☐

Maine Department of Education

Adverse Effect on Educational Performance

Verification:			
9. Do the child's social or emotional deficits (if any), as observed by professionals or parents/guardians in multiple settings (whenever possible), on clinical rating scales or in clinical interviews, demonstrate adverse effect? Verification:	Yes ☐	No ☐	N/A* ☐
10. Other (add any other data sources) Verification:	Yes ☐	No ☐	N/A* ☐

1.B. Was only one assessment/data source considered?

Yes	No
☐	☐

If the answer to the question is "Yes", state the IEP Team's rationale for the determination that the single assessment/data source is adequate for the determination of adverse effect on educational performance:

II. Has the IEP Team determined that there is an adverse effect on educational performance resulting from the child's disability?

Yes	No
☐	☐

III. The adverse effect that results from the child's disability is, (check one)

☐ of such a degree or kind that the child requires special education in order to benefit from his/her education program.

☐ correctible through accommodations in the child's regular education program.

Summarize the basis for the determination as to whether the child requires special education in order to benefit from his/her education program **OR** the adverse effect is correctible through accommodations in the child's regular education program.

If the first box was checked, the child qualifies as a child with a disability under the Maine Unified Special Education Regulations and is entitled to an Individualized Education Program. If the second box was checked, the child does not qualify as a child with a disability under Maine Unified Special Education Regulations and is not entitled to an Individualized Education Program.

Maine Department of Education

Speech or Language Impairment Eligibility Form

Maine Department of Education

Speech or Language Impairment Eligibility Form

Maine Unified Special Education Regulations (MUSER VII.2.K)

Date of Meeting:			SAU:	
Child's Name:			School:	
Date of Birth:		Grade:	School Phone:	
Parent/Guardian Name:			School Address:	
Parent/Guardian Address:			City, State Zip:	
Parent/Guardian City, State Zip:			School Contact:	

A child must meet **at least one of the four** criteria listed and to such a degree that it **adversely affects** educational performance and requires special education for the child to benefit from his/her education program. **This form is to be completed by the IEP Team whenever there is a meeting to determine eligibility or consider a change in eligibility (including dismissal from special education).**

	YES	NO
1. Does the child exhibit an **articulation impairment** based on the articulation severity rating scale?	☐	☐
Verification:		
2. Does the child exhibit a **language impairment** based on the language severity rating scale?	☐	☐
Verification:		
3. Does the child exhibit a **fluency impairment** based on the fluency severity rating scale?	☐	☐
Verification:		
4. Does the child exhibit a **voice impairment** based on the voice severity rating scale?	☐	☐
Verification:		

If the team has checked YES to any of Questions 1-4, check YES on Question 5, then go to question 6. If not, check NO on Question 5; the child does not qualify as a child with a speech or language impairment.

Maine Department of Education

Speech or Language Impairment Eligibility Form

5. Does a **speech or language impairment** exist?	YES	NO
	☐	☐

6. Does the child's **speech or language impairment** adversely affect his/her educational performance?	YES	NO
	☐	☐
Verification:		

If the answer to Question 6 is YES, go to Question 7. If NO, the child does not qualify as a child with a speech or language impairment.

7. If there is **a speech or language impairment**, the impairment is of such nature and degree that [check one and summarize the basis for that selection in the area marked "Verification"]:

☐	a. the child requires special education.
☐	b. it can be adequately addressed through general education interventions and/or accommodations.
Verification:	

If the box in question 7(a) is checked, the child qualifies as a child with a speech or language impairment. If the box in question 7(b) is checked, the child does not qualify as a child with a speech or language impairment.

Maine Department of Education

Speech or Language Impairment Eligibility Form

Maine Department of Education

Articulation Severity Rating Scale

rticulation impairment: The abnormal production of speech sounds including: substitutions, omissions, distortions r additions of speech sounds not commensurate with child's chronological age or cultural linguistic ackground and not related to dialect.

☐ No articulation assessment needed.	To find the presence of an impairment, ratings in ***Description of Articulation, Standardized Assessments*** and ***Informal Assessments*** MUST fall within the moderate or severe category.

	☐ **No apparent problem**	☐ **Mild**	☐ **Moderate**	☐ **Severe**
Description of Articulation	No sound errors present or production is developmentally appropriate.	• Sound errors are intelligible but noticeable. • Errors consist of common types of substitutions and/or distortions.	• More numerous articulation errors are present. Intelligibility is difficult for an unfamiliar listener. • Excessive use (40% or more) of substitution or omission processes which are inappropriate for age.	• Many articulation errors are present. Speech is frequently unintelligible to most listeners. • Excessive use (40% or more) of omission processes or unique processes which are inappropriate for age.
	☐ **No apparent problem**	☐ **Mild**	☐ **Moderate**	☐ **Severe**
Standardized Assessments	• A standard score <1.0 standard deviation below the mean. • A standard score of ≥86. • 16th percentile or above.	• 1 to 1.4 standard deviations below the mean. • 7-15th percentile. • A standard score of 78-85. • ≤2 speech sound errors outside developmental guidelines. Children may be stimulable for error sounds.	• 1.5 to 1.9 standard deviations below the mean. • 2-6th percentile. • A standard score of 70-77. • Substitutions, distortions and some omissions may be present. There is limited stimulability for the error phonemes.	• ≥2 standard deviations below the mean. • <2nd percentile. • A standard score <70. • Deviations may range from extensive substitutions and many omissions to extensive omissions.
Informal Assessments	☐ **No apparent problem**	☐ **Mild**	☐ **Moderate**	☐ **Severe**
Ages 3-4	Intelligible >80% of the time in connected speech.	Intelligible 61-80% of the time in connected speech.	Intelligible 40-60% of the time in connected speech.	Intelligible <40% of the time in connected speech.
Ages 4-5	Intelligible >80% of the time in connected speech.		Intelligible 60-80% of the time in connected speech.	Intelligible <60% of the time in connected speech.
Ages 5-20	Intelligible >80% of the time in connected speech.		Intelligible 60-80% of the time in connected speech.	Intelligible <60% of the time in connected speech.

Maine Department of Education

Speech or Language Impairment Eligibility Form

Maine Department of Education

Speech or Language Impairment Eligibility Form/Severity Rating Scales

Language Severity Rating Scale

anguage impairment: Any deviation in form of language (phonology, morphology and syntax), the content of anguage (vocabulary, semantics), and/or the functional use of language (pragmatics) perceived to be outside ne allowable range for an individual's communication competence and not related to dialect or nguistic/cultural background. A language impairment adversely affects the child's educational performance s reflected by his/her social interaction, behavior, emotional development, vocational performance, ommunication, and/or participation in classroom activities as well as academic achievement.

☐ No language assessment needed.	To find the presence of an impairment, ratings in ***Standardized Assessments*** and ***Informal Assessments*** MUST fall within the moderate or severe category.

	☐ **No apparent problem**	☐ **Mild**	☐ **Moderate**	☐ **Severe**
Standardized Assessments	• A composite standard score <1.0 standard deviation below the mean. • Language quotient or standard score of ≥86. • ≥17th percentile.	• A composite standard score of 1.0 to 1.4 standard deviations below the mean. • Language quotient or standard score of 78-85. • 8-16th percentile.	• A composite standard score of 1.5 to 2 standard deviations below the mean. • Language quotient or standard score of 71-77. • 3-7th percentile.	• A composite standard score of >2 standard deviations below the mean. • Language quotient or standard score at or <70. • ≤2nd percentile.
Informal Assessments • Criterion referenced • Language or speech samples • Structured observation	The child's language skills are within his/her expected language performance range on an informal assessment instrument.	Informal assessment indicates a language deficit.	Informal assessment indicates a language deficit that usually interferes with communication.	Informal assessment indicates the pupil has *limited* functional language skills. Communication is an effort. Child is nonverbal and cognitive ability has not been ascertained.

Maine Department of Education

Speech or Language Impairment Eligibility Form

Speech or Language Impairment Eligibility Form/Severity Rating Scales

Fluency Severity Rating Scale

Fluency impairment: Abnormal speech production with reference to continuity, smoothness, rate and effort.

☐ No fluency assessment needed.	To find the presence of an impairment, ratings in ***Description of Fluency*** and ***Informal Assessments*** MUST fall within the moderate or severe category.

Standardized Assessments/ Description of Fluency	☐ **No apparent problem**	☐ **Mild**	☐ **Moderate**	☐ **Severe**
	Fluency of speech does not draw attention to the child and is developmentally appropriate.	• 3-5% dysfluent syllables of total syllables spoken with two or more speech samples of at least 100 syllables. • No secondary characteristics, frustration and avoidance behaviors present. • Fluent speech predominates.	• 6-10% dysfluent syllables of total syllables spoken with two or more speech samples of at least 100 syllables. • Secondary characteristics, frustration and avoidance behaviors may be present.	• ≥11% dysfluent syllables of total syllables spoken with two or more speech samples of at least 100 syllables. • Secondary characteristics, frustration and avoidance behaviors are present, typically noticeable and distracting.
Informal Assessments	☐ **No apparent problem**	☐ **Mild**	☐ **Moderate**	☐ **Severe**
		Transitory dysfluencies are observed in specific situations.	Frequent dysfluencies are observed in many situations.	Habitual dysfluent behaviors are observed in a majority of situations.

Speech or Language Impairment Eligibility Form

Maine Department of Education

Speech or Language Impairment Eligibility Form/Severity Rating Scales

Voice Severity Rating Scale

When a child is referred for a voice impairment, a medical referral is indicated.

Voice impairment: The absence or abnormal production of voice characterized by: deviant initiation/duration, tonal quality, pitch, loudness and/or resonance for age or speaking situation.

☐ No voice assessment needed.	To find the presence of an impairment, ratings in ***Description of Voice*** and ***Informal Assessments*** MUST fall within the moderate or severe category.

Description of Voice	☐ **No apparent problem**	☐ **Mild**	☐ **Moderate**	☐ **Severe**
	Voice production quality (tension, resonance), pitch and intensity are not unusual.	Inconsistent noticeable differences in voice production quality (tension, resonance), pitch or intensity.	Persistent noticeable differences in voice production quality (tension, resonance), pitch or intensity.	Persistent noticeable extreme differences in voice production quality (tension, resonance), pitch or intensity.
Informal Assessments	☐ **No apparent problem**	☐ **Mild**	☐ **Moderate**	☐ **Severe**
		Voice difference including hoarseness, hyper-nasality, hypo-nasality, pitch or intensity is somewhat inappropriate for the child's age. Voice difference is of little or no concern to a physician.	Voice difference including hoarseness, hyper-nasality, hypo-nasality, pitch or intensity is significantly inappropriate for the child's age. Voice difference is of concern to a physician.	Voice difference including hoarseness, hyper-nasality, hypo-nasality, pitch or intensity is distinctly abnormal for the child's age. Voice difference is of concern to a physician.

Maine Department of Education

Specific Learning Disability Eligibility Form

Maine Department of Education

Specific Learning Disability Eligibility Form

Maine Unified Special Education Regulations (MUSER VII.2.L)

Date of Meeting:			SAU:	
Child's Name:			School:	
Date of Birth:		Grade:	School Phone:	
Parent/Guardian Name:			School Address:	
Parent/Guardian Address:			City, State Zip:	
Parent/Guardian City, State Zip:			School Contact:	

Specific Learning Disability definition (MUSER VII.2.L):

The term means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Specific learning disability does not include learning problems that are primarily the result of visual, hearing or motor disabilities, or intellectual disability, or emotional disturbance or environmental, cultural or economic disadvantage.

Part A: Qualifying Considerations

	YES	NO
1. Does evidence from multiple valid and reliable sources demonstrate that the child is achieving adequately for the child's age and is meeting State-approved grade level standards in all of the areas below? (MUSER VII.2.L(2)(a)(i))	☐	☐

For children from diverse cultural and/or linguistic backgrounds that place them outside the group on which standardized achievement tests were normed, consider only age or grade equivalent scores, not standardized scores. For such children, determinations in this section should be made using a multi-tiered problem-solving approach such as analysis of work samples and other performance data. (MUSER VII.2.L(2)(a)(c)).

If the answer to Question 1 is **YES**, the child does not qualify as a child with a specific learning disability under MUSER. Provide data supporting that determination in the area below marked "Verification" and proceed to Question 8.

If the answer to Question 1 is **NO**, indicate below the areas in which the child is not achieving adequately. Provide data supporting that determination in the area marked "Verification" and proceed to Question 2.

Oral expression	☐	**Reading fluency skills**	☐
Listening comprehension	☐	**Reading comprehension**	☐
Written expression	☐	**Mathematic calculation**	☐
Basic reading skill	☐	**Mathematics problem-solving**	☐

Verification:

Maine Department of Education

Specific Learning Disability Eligibility Form

Child's Name: Date:

	YES	NO
2. **If the child is not achieving adequately in all areas, is the underachievement due to the lack of learning experiences and instruction appropriate for the child's age or state approved grade level standards? (MUSER VII.2.L(2)(a)(1))**	☐	☐

Verification:

In making this determination, the Team must:

a. Consider whether the child, prior to or as a part of the referral process, was provided appropriate instruction in regular education settings, delivered by qualified personnel (MUSER VII.2.L(2)(b)(i)); **and**

b. For culturally and linguistically diverse children and children from diverse educational backgrounds, consider the extent to which the child has been exposed to culturally and linguistically appropriate instruction.

If the answer to Question 2 is **YES**, the child does not qualify as a child with a specific learning disability under MUSER. Provide information supporting that determination in the area below marked "Verification" and proceed to Question 8.

If the answer to Question 2 is **NO**, provide information supporting that determination in the area marked "Verification" and proceed to Question 3.

3. **If the child is not achieving adequately in all areas, is the child's lack of achievement primarily the result of any of the following factors? Provide evidence supporting each determination in the areas below marked "Verification."**

	YES	NO
a. **Visual, hearing or motor disability (MUSER VII.2.L(2)(a)(iii)(aa))**	☐	☐

Verification:

	YES	NO
b. **Intellectual disability (MUSER VII.2.L(2)(a)(iii)(bb))**	☐	☐

Verification:

	YES	NO
c. **Emotional disturbance (MUSER VII.2.L(2)(a)(iii)(cc))**	☐	☐

Verification:

	YES	NO
d. **Environmental, cultural or economic disadvantage and/or limited English proficiency (MUSER VII.2.L(2)(a)(iii)(dd-ff))**	☐	☐

Verification:

If the answer to any sub-part of Question 3 is **YES**, the child does not qualify as a child with a specific learning disability under MUSER. Proceed to Question 8.

If the answer to all sub-parts of Question 3 is **NO**, proceed to question 4.

Maine Department of Education

Specific Learning Disability Eligibility Form

Child's Name: Date:

4. Does the child exhibit a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade level standards or intellectual development that is determined by the IEP Team to be relevant to the identification of a specific learning disability, using appropriate assessments? (MUSER VII.2.L(2)(a)(ii))

YES	NO
☐	☐

		Verification of Strengths	Verification of Weaknesses
a.	Data collected when using a process that is based on the child's response to scientific research-based intervention, including general education interventions under MUSER Section III. (MUSER VII.2.L(2)(a)(ii)(aa))		
b.	Classroom performance data. (MUSER VII.2.L(2)(a)(ii)(bb))		
c.	Achievement data based on summative assessments in the district's core curricula, State assessments and/or published nationally norm-referenced assessments. (MUSER VII.2.L(2)(a)(ii)(cc))		
d.	Psychological processing data from standardized measures to identify contributing factors, including standardized composite scores from nationally norm-referenced measures of skills such as, but not limited to, phonological processing, information retrieval and processing speed, language, working memory, long-term memory, short-term memory, auditory processing, visual spatial reasoning. (MUSER VII.2.L(2)(a)(ii)(dd))		

For culturally and/or linguistically diverse children, consider the patterns of strengths and weaknesses that are consistent with that population, e.g., many English learners struggle with literacy skills but perform better in less language-based skills such as math calculation.

If the answer to Question 4 is **NO**, the child does not qualify as a child with a specific learning disability under MUSER. Proceed to Question 8.

If the answer to Question 4 is **YES**, proceed to question 5.

5. Relevant behavior noted during the observation(s) and its relationship to academic functioning (MUSER VII.2.L.(2)(f)). The child must be observed in the learning environment (including the regular classroom setting) to document the child's academic performance and behavior in the areas of difficulty. (MUSER VII.2.L(2)(f)(i))

NOTES:

6. Educationally relevant medical findings (MUSER VII.2.L(2)(g)(i)(IV))

NOTES:

7. Are the evaluations utilized valid and reliable assessments and performed by qualified individuals? (MUSER V.2.C(1)(c)&(d))

YES	NO
☐	☐

If NO, provide verification:

Maine Department of Education

Specific Learning Disability Eligibility Form

Child's Name: Date:

PART B: Conclusions

8. Does a specific learning disability exist? (MUSER VII.2.L(2)(g)(i)(i))	YES	NO
	☐	☐

If the answer to Question 8 is **NO**, the child does not qualify as a child with a specific learning disability under MUSER. If the answer is **YES**, proceed to question 9.

9. If there is a learning disability, the disability is of such nature and degree that [check one and summarize the basis for that selection in the area marked "Summary"]:

☐	a. the child requires special education and related services. (MUSER V.2.F(2))
☐	b. it can be adequately addressed through general education interventions and/or accommodations.
Summary:	

If the box in question 9(a) is checked, the child qualifies as a child with a specific learning disability under MUSER. If the box in question 9(b) is checked, the child does not qualify as a child with a specific learning disability under MUSER.

Team members must certify their agreement or disagreement with this result by signing below:

I certify my agreement with the result of this report (MUSER VII.2.L(2)(g)(ii))

Signature	Printed Name	Title

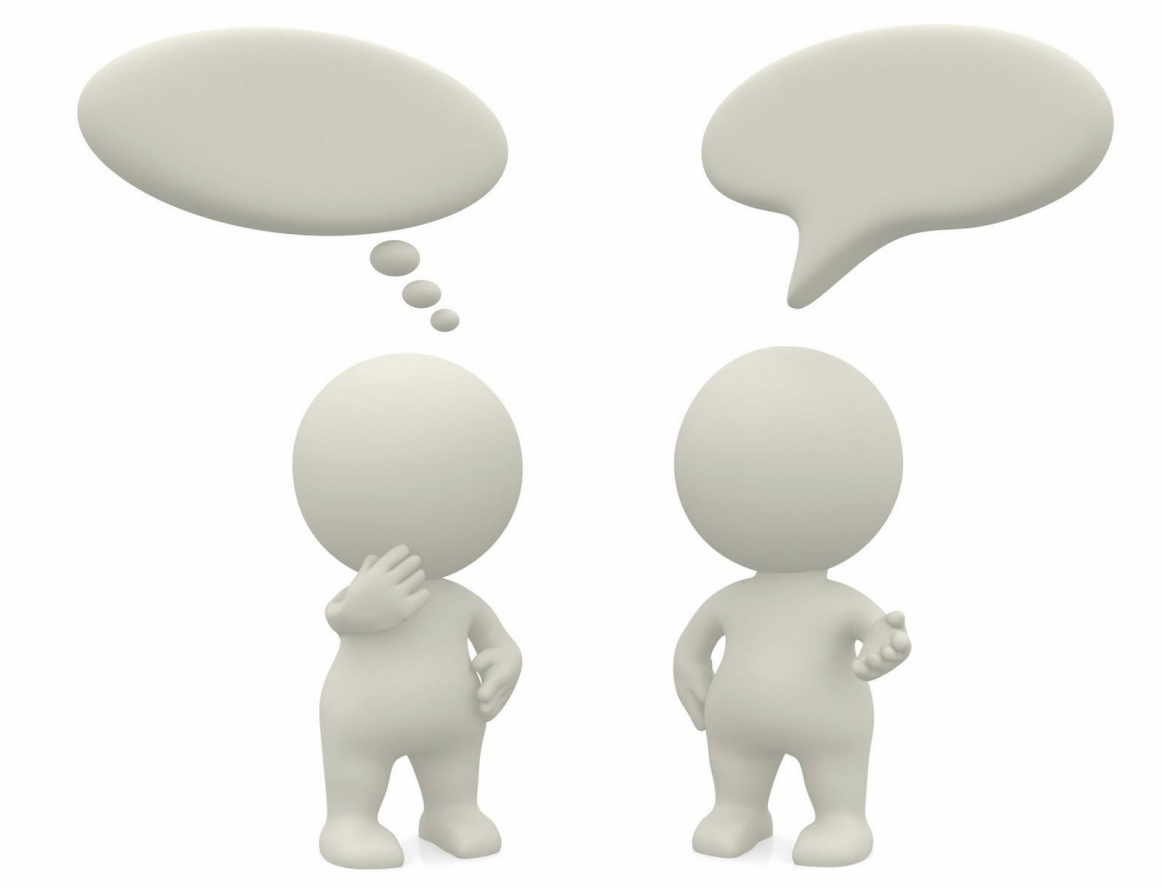
I **do not** agree with the result of this report

Signature	Printed Name	Title

Dissenting team members shall submit a separate statement (MUSER VII.2.L(2)(g)(ii)).

Maine Department of Education

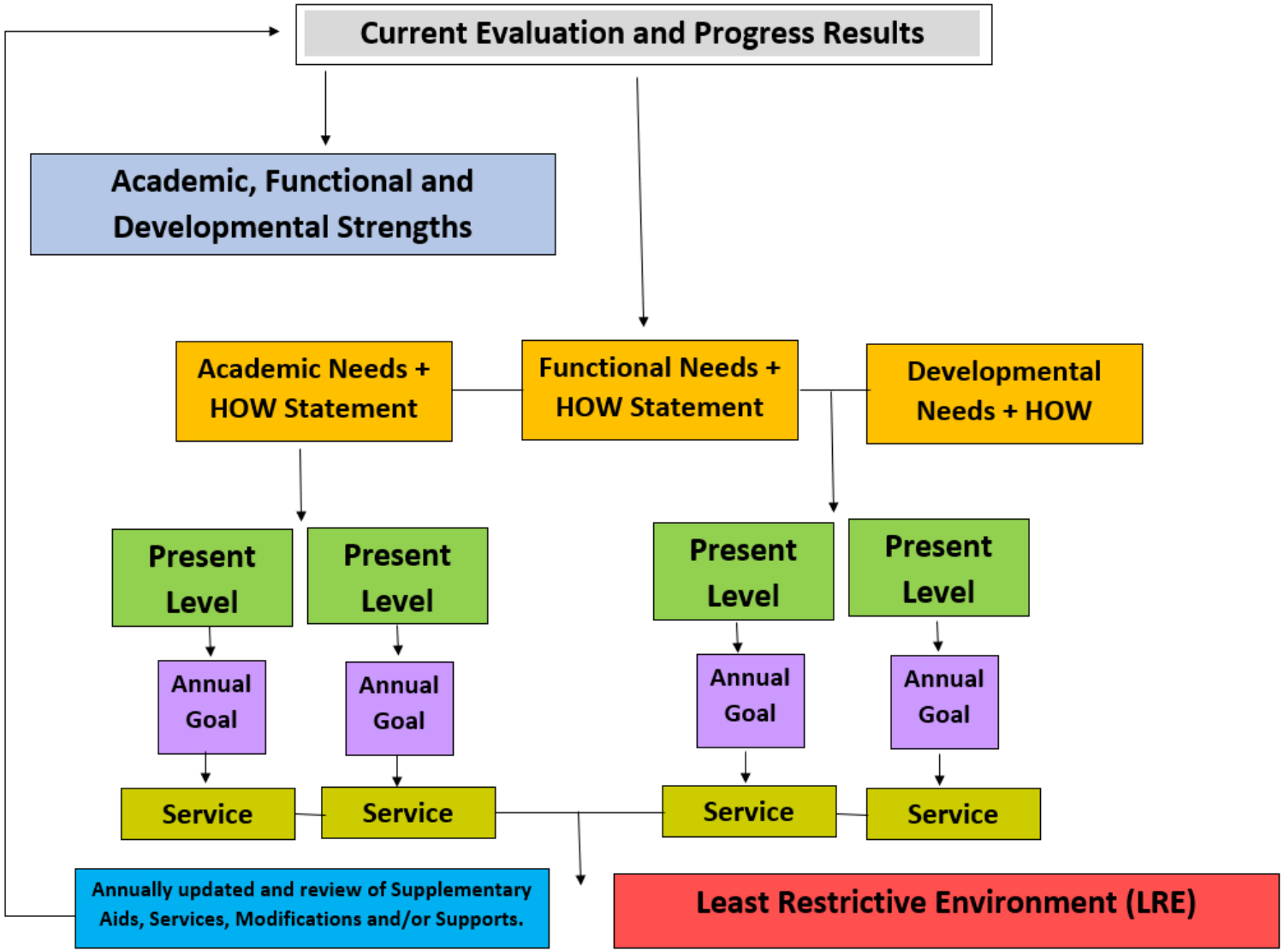
Chat Box Check In



This Photo by Unknown Author is licensed under CC BY

Maine Department of Education

Individualized Education Plan IEP Alignment



Section 3: Considerations

"Table of Contents"

3. CONSIDERATIONS – INCLUDING SPECIAL FACTORS

A. Concerns of the parents for enhancing the education of their child (MUSER IX.3.C.(1)(b)):	
B. Does the child exhibit behavior that impedes the child's learning or that of others requiring positive behavioral interventions and supports and other strategies to address the behavior? (MUSER IX.3.C.(2)(a))	☐ YES ☐ NO
C. Does the child have limited English proficiency? (MUSER IX.3.C.(2)(b))	☐ YES ☐ NO
i. Does the child have language needs, due to limited English proficiency, which need to be addressed in the IEP?	☐ YES ☐ NO
D. If the child is blind or visually impaired, does the child require instruction in Braille and the use of Braille? (MUSER IX.3.C.(2)(c))	☐ YES ☐ NO ☐ NA
E. Does the child have a print disability that requires accessible educational materials (AEM) to access the curriculum?	☐ YES ☐ NO
i. If yes, what type of accessible educational materials (AEM) does the child require?	
F. Does the child have communication needs? (MUSER IX.3.C.(2)(d))	☐ YES ☐ NO
i. Is the child deaf or hard of hearing?	☐ YES ☐ NO
G. Does the child need assistive technology devices and services? (MUSER IX.3.C.(2)(e))	☐ YES ☐ NO
H. Does the child have academic needs?	☐ YES ☐ NO
I. Does the child have functional/developmental needs?	☐ YES ☐ NO
POST-SECONDARY TRANSITION	
J. Is the child in 9th grade or above **OR** is the child 16 years old or older?	☐ YES ☐ NO
i. If **yes**, Section 9 should be completed before completing the remainder of the IEP.	

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?
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?

Maine Department of Education

Section 4A – Results of All Evaluations

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:

- Academic evaluations (eligibility)
- Functional evaluations (eligibility)
- Relevant state/district assessments
- Transition assessments
- Other assessments
  - FBA
  - Additional Related Service Evaluations

Maine Department of Education

Section 4A – Results of All Evaluations

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:

Document:

- Evaluation name
- Date of Evaluation
- Scores
  - Composite scores (broad scores)
  - Subtest scores (needs)
  - Summaries (rating scales)
  - Local assessments

Maine Department of Education

Section 4B: Academic, Functional and/or Developmental Strengths

B. Beyond the evaluative information in **4A**, what are the academic, functional, and/or developmental **strengths** of the child?

- These are based on evaluations and observations
- Include areas of strength and relative strengths the child demonstrates within their unique profile.
- Not a restatement of the standard scores in the "Average" range.
  - What does the strength **look** like in the classroom?

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

Academic

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

This Photo by Unknown Author is licensed under CC BY-NC

Maine Department of Education

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

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

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

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.

Maine Department of Education

How Statement – What is the Impact of the Disability?

This Photo by Unknown Author is licensed under CC BY-SA

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

Maine Department of Education

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.

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?

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.

Functional

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

Maine Department of Education

This Photo by Unknown Author is licensed under CC BY-NC

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

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.

Maine Department of Education

How Statement – What is the Impact of the Disability?

This Photo by Unknown Author is licensed under CC BY-SA

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

Maine Department of Education

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.

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?

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.

Procedural Manual
Pg. 22-23

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.

Example:
Coping strategies and self-regulatory techniques to assist with the child's anxiety which is manifesting in the child not attending classes and missing instructional time within the general education curriculum.

Maine Department of Educatio

Section 4E: Developmental Needs and "How" Statement

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?

Identification of the distinctly measurable and persistent gaps in Developmental 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

Functional and Developmental Goals

"Functional performance means how the child demonstrates his/her skills and behaviors in cognition, communication, motor, adaptive, social/emotional and sensory areas." (MUSER II.15)

Which is it?

Functional Goal(s)

Lifelong skills deficit(s) that the IEP team feels the child will not "outgrow".

This Photo by Unknown Author is licensed under CC BY

Developmental Goal(s)

Lagging skill deficit(s) that the IEP team feels the child may "outgrow".

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?

<u>Remember</u>:
Section 4C and 4D MUST include *both*
Distinctly Measurable and Persistent Skill Gaps
AND
the 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?

Maine Department of Education

Skill Deficits/Gaps – What are those specific areas?

This Photo by Unknown Author is licensed under CC BY-NC

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

Maine Department of Education

Let's Review…

This Photo by Unknown Author is licensed under CC BY

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?

This Photo by Unknown Author
is licensed under CC BY-NC-ND

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?

This Photo by Unknown Author is licensed under CC BY-SA-NC

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

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? **Benny's deficits in addition/subtraction facts impact his ability to access grade level math curriculum.**

Maine Department of Education

Let's Review…

This Photo by Unknown Author is licensed under CC BY

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.

Maine Department of Education

What's wrong?

This Photo by Unknown Author
is licensed under CC BY-NC-ND

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?

This Photo by Unknown Author
is licensed under CC BY-SA-NC

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

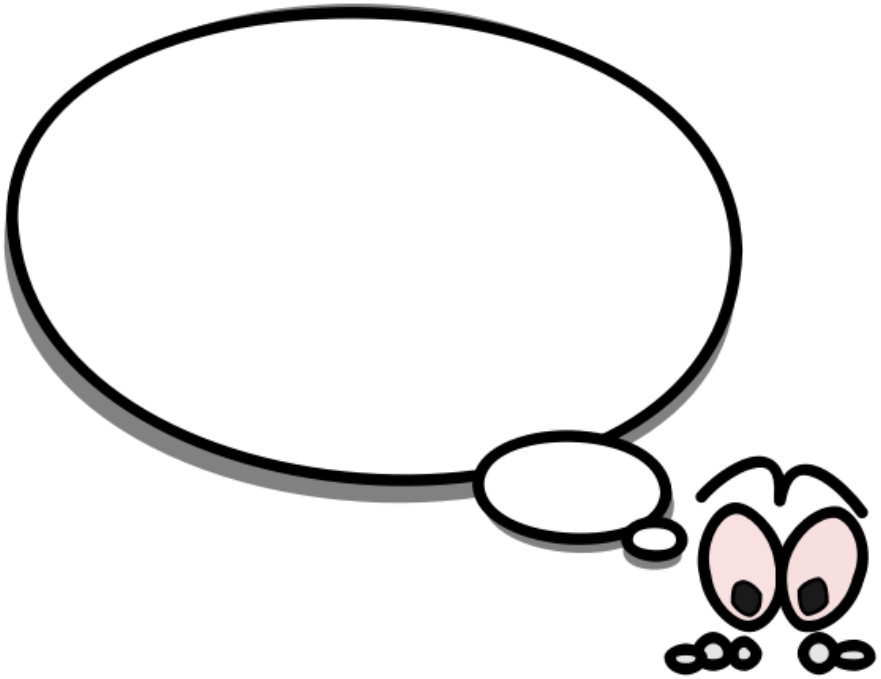
Instead…

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

Chat Box Check In



Maine Department of Education

Reporting Progress

PROGRESS MONITORING OF ANNUAL IEP GOALS	
Progress on goals will be reported ***insert #*** times per academic year, using the following codes (locally determined):	
Add the description below of progress codes for annual goal(s):	
1.	
2.	
3.	
4.	
5.	
6.	

Describe how progress toward IEP goals will be reported for all children.

This Photo by Unknown Author is licensed under CC BY

Maine Department of Education

Endrew F. v. Douglas County School District

Endrew F., a child with autism, who attended public school K-4. In Grade 5, his parents rejected his 5th grade IEP, stating it was "basically the same as the previous IEPs", and his progress had "stalled". Parents withdrew him from public school and enrolled him in a private school, specializing in the education of children with autism, where he thrived. Parents requested reimbursement, but were denied reimbursement under due process, and appealed to US District Court/Colorado and US Court Appeals 10th Circuit.

Maine Department of Education

https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-endrewcase-12-07-2017.pdf

Endrew F. v. Douglas County School District

On March 22, 2017, the Supreme Court interpreted the scope of free appropriate public education (FAPE) requirements under the Individuals with Disabilities Act (IDEA) and overturned a prior ruling in the Tenth Circuit which issued a unanimous opinion stating that Endrew, a child with autism, was only calculated to provide "merely more than *de minimis*" educational benefit.

Maine Department of Education

https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-endrewcase-12-07-2017.pdf

Endrew F. v. Douglas County School District

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

https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-endrewcase-12-07-2017.pdf

Maine Department of Education

Endrew F. v. Douglas County School District

This is important because this decision clarified the scope of IDEA's FAPE requirements,

and

should inform our efforts to improve academic outcomes for children with disabilities.

https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-endrewcase-12-07-2017.pdf

Maine Department of Education

UNITED STATES DEPARTMENT OF EDUCATION

WASHINGTON, DC 20202

December 7, 2017

Questions and Answers (Q&A) on

U. S. Supreme Court Case Decision

Endrew F. v. Douglas County School District Re-1

https://sites.ed.gov/idea/files/qa-endrewcase-12-07-2017.pdf

Department of Education

Use of Data

Data should be used to:

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

Maine Department of Education

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

5. 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.

Procedural Manual
Pg. 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."

Maine Department of Education

Section 5: Academic Performance – Standards Based Goals

5. 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)):

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.

If there is an annual goal, there should be a present level of performance directly above it.

Maine Department of Education

Section 5: Academic Performance – Standards Based Goals

- Align to the child's needs and present level
- Facilitate the child's achievement of Maine Learning Results (MLR), Guiding Principles and/or district adopted standards

Maine Department of Education

Section 5: Academic Performance – Standards Based Goals

- **By** (what date), **given** (service and/or conditions), **the child will** (skill) **with** (level of mastery and/or frequency) **as measured by** (assessments/measurements).

  (standards citation…)

Maine Department of Education

Measurable Academic Goals

Can measure goals using –

- skill specific curriculum-based measurements/assessment
- qualitative data through teacher observation
- checklist or daily log
- running record
- work samples
- rubrics (attach the rubric to the IEP)

Can NOT measure goals using –

- evaluations used for eligibility or continuing eligibility
- state and local assessments
- grades or report cards
- specific academic curriculums

Maine Department of Education

Specific Program Data

Level 3	Level 4
Fluency: 83 words per minute at 3rd Grade Level	Fluency: 90 words per minute at 3rd Grade Level
Reading Comprehension: 85% accuracy at 3rd Grade Level	Reading Comprehension: 92% accuracy at 3rd Grade Level

Remember:
a goal should only include 1 skill;
if the child has skill deficits in BOTH Reading Fluency and Reading Comprehension, these would be two different goals.

Maine Department of Education

Section 5: Functional/Developmental 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

FUNCTIONAL/DEVELOPMENTAL PERFORMANCE: Functional performance refers to how the child is managing daily activities in *cognitive*, *communicative*, *motor*, *adaptive*, *social/emotional* and *sensory areas*. **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.

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

Child's functional/developmental performance is commensurate with their peers.

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

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.

Maine Department of Education

Section 5: Functional/Developmental Performance – Goals

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

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

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.

Maine Department of Education

Section 5: Functional/Developmental Performance – Goals

- Functional/Developmental goals do not require alignment to standards or citation but should be written using the provided goal format.

- **By** (what date), **given** (service and/or conditions), **the child will** (skill) **with** (level of mastery and/or frequency) **as measured by** (assessments/measurements).

Maine Department of Education

Remember:
Academic and Functional/Developmental Present Level *MUST* include Data.

Avoid statements that include words like:
often, sometimes, seems to, etc.

Do not make statements like:
"Student sometimes does multiplication problems."
"Student often misspells words."
"Student often struggles to complete work."
"Student has some fine motor delays."

Baseline Data = Present Level → **Measurable Goal** → **Progress**

Maine Department of Education

Section 5: Academic and Functional/Developmental Performance – Present Level

REMEMBER: The present level is written in a way that provides baseline data of the child's performance (independently or with support) which is essential for determining appropriate goals for the next IEP.

Baseline Data = Present Level → **Measurable Goal** → **Progress**

Maine Department of Education

Procedural Manual
Pg. 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."

Maine Department of Education

Remember **–**

Avoid Writing Functional Outcomes

Outcomes are **age appropriate expectations**.

We want **all** students to meet these expectations.

Maine Department of Education

Procedural Manual
Pg. 26

Functional/Developmental present levels and annual goals should address gaps in the child's functional/developmental performance, not intended and hopeful outcomes (attendance, work completion, passing classes/grades).

Example:
If a child is not attending school, the child's IEP should not include a goal related to the child attending school 75% of the time. The functional/developmental needs, present levels, and goals should identify and address the gaps that are manifesting in the child not attending school (such as a need for instruction in the utilization of coping skills).

Maine Department of Education

Mask Wearing

Use your **Data Collection** to help you identify **skills** that *might* facilitate a change in any outcome.

Work with your team to review evaluations and other info to determine

Skill Deficits.

This Photo by Unknown Author is licensed under CC BY-NC

Maine Department of Education

This Photo by Unknown Author
is licensed under CC BY-NC

Consider –

- **Child has communication deficits**:
  - Teach them to request which style of mask they want.
  - Teach them to request which color mask they want.
  - Teach them to request “Mask off.”
  - Teach them to say, “All Done”.
- **Child has anxiety**:
  - Teach them First/Then and Non-Preferred/Preferred.
  - Teach them calming activities.
  - Teach them communication skills.
- **Child is impulsive**:
  - Teach them a visual schedule.
  - Teach them a visual timer.
  - Teach them to self control tools.
  - Teach them self regulation skills.

Functional Present Level

Distinctly Measurable and Persistent Gaps	Present Level
Self-Regulation	• ------ can utilize a tool from her individualized tool kit with support from an adult when prompted to do so, in 1 out of 5 opportunities.

Baseline Data

=

Present Level

Maine Department of Education

Functional Measurable Goal

FUNCTIONAL/DEVELOPMENTAL PERFORMANCE: Functional performance refers to how the child is managing daily activities in *cognitive*, *communicative*, *motor*, *adaptive*, *social/emotional* and *sensory areas*. **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.

Present Levels of Functional/Developmental Performance (MUSER IX.3.A.(1)(a)(i) & (ii):
Currently, ----- can utilize a tool from her individualized tool kit with support from an adult when prompted to do so, in 1 out of 5 opportunities.

Measurable Goal (MUSER IX.3.A.(1)(b) & (c)
By date, given service, child's name will skill as measured by evidence.

Progress:

By 12/12/2021, given specially designed instruction and consult from an Occupational Therapist, ----- will improve her self-regulation skills as demonstrated by independently utilizing a tool from her individualized tool kit, (including, but not limited to, Break card, Help card, fidget, First/Then board, or similar) to aid in self-regulating to an expected state in 4 out of 5 opportunities, as measured by teacher observation, data collection, increased time wearing a mask or similar.

Baseline Data

=

Present Level

→

Measurable Functional Goal

Maine Department of Education

Let's Review…

This Photo by Unknown Author is licensed under CC BY

Present Levels of Functional/Developmental Performance (MUSER IX.3.A.(1)(a)(i) & (ii): **Currently, Keith comes to school 4 out of 5 school days.**	
Measurable Goal (MUSER IX.3.A.(1)(b) & (c) By date, given service, child's name will skill as measured by evidence. **By 12/12/2021, Keith will come to school 5 out of 5 days, as measured by data collection and attendance forms.**	**Progress:**

Maine Department of Education

What's wrong?

This Photo by Unknown Author
is licensed under CC BY-NC-ND

Present Levels of Functional/Developmental Performance (MUSER IX.3.A.(1)(a)(i) & (ii): **Currently, Keith comes to school 4 out of 5 school days.**	
Measurable Goal (MUSER IX.3.A.(1)(b) & (c) By date, given service, child's name will skill as measured by evidence. **By 12/12/2021, Keith will come to school 5 out of 5 days, as measured by data collection and attendance forms.**	**Progress:**

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

Maine Department of Education

What's wrong?

This Photo by Unknown Author
is licensed under CC BY-SA-NC

Present Levels of Functional/Developmental Performance (MUSER IX.3.A.(1)(a)(i) & (ii): **Currently, Keith comes to school 4 out of 5 school days.**	
Measurable Goal (MUSER IX.3.A.(1)(b) & (c) By date, given service, child's name will skill as measured by evidence. **By 12/12/2021, Keith will come to school 5 out of 5 days, as measured by data collection and attendance forms.**	**Progress:**

- **Outcome based goal**
- **We want all kids to come to school 5/5 days a week.**
- **Age-appropriate expectation**
- **No skill deficits**

Maine Department of Education

Instead…

Present Levels of Functional/Developmental Performance (MUSER IX.3.A.(1)(a)(i) & (ii): **Currently, Keith is unable to access a visual schedule/planner independently. This skill has not yet been introduced or taught.**	
Measurable Goal (MUSER IX.3.A.(1)(b) & (c) By date, given service, child's name will skill as measured by evidence. **By 12/12/2021, Keith will independently access a visual schedule/planner with 75% accuracy, across all activities in his day, as measured by data collection, teacher observation and increased attendance.**	**Progress:**

Maine Department of Education

Let's Review…

This Photo by Unknown Author is licensed under CC BY

Present Levels of Functional/Developmental Performance (MUSER IX.3.A.(1)(a)(i) & (ii): **Currently, Jennifer completes between 60% and 70% of her assignments.**	
Measurable Goal (MUSER IX.3.A.(1)(b) & (c) By date, given service, child's name will skill as measured by evidence. **By 12/12/2021, Jennifer will independently complete between 75%-90% of her assignments, as measured by data collection, teacher observation and gradebook.**	**Progress:**

Maine Department of Education

What's wrong?

This Photo by Unknown Author
is licensed under CC BY-NC-ND

Present Levels of Functional/Developmental Performance (MUSER IX.3.A.(1)(a)(i) & (ii): **Currently, Jennifer completes between 60% and 70% of her assignments.**	
Measurable Goal (MUSER IX.3.A.(1)(b) & (c) By date, given service, child's name will skill as measured by evidence. **By 12/12/2021, Jennifer will independently complete between 75%-90% of her assignments, as measured by data collection, teacher observation and gradebook.**	**Progress:**

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

Maine Department of Education

What's wrong?

This Photo by Unknown Author is licensed under CC BY-SA-NC

Present Levels of Functional/Developmental Performance (MUSER IX.3.A.(1)(a)(i) & (ii): **Currently, Jennifer completes between 60% and 70% of her assignments.**	
Measurable Goal (MUSER IX.3.A.(1)(b) & (c) By date, given service, child's name will skill as measured by evidence. **By 12/12/2021, Jennifer will independently complete between 75%-90% of her assignments, as measured by data collection, teacher observation and gradebook.**	**Progress:**

- **Outcome based goal**
- **We want all kids to come to complete assignments**
- **Data point in Present Level is a range**
- **Measurement uses Grades**

Maine Department of Education

Instead…

Present Levels of Functional/Developmental Performance (MUSER IX.3.A.(1)(a)(i) & (ii): **Currently, Jennifer is currently accessing a prepared activity schedule/Task List/To Do list to complete all assignments with adult support for 25% 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 12/12/2021, Jennifer will independently access a prepared activity schedule/Task List/To Do list with 75% of opportunities, as measured by data collection, teacher observation and increased work completion.**	**Progress:**

Maine Department of Education

If an individualized “tool kit” is a support, supplemental aid or modification that XXXX now needs to be successful, make sure it is added to Section 6 of the IEP.

6. SUPPLEMENTARY AIDS, SERVICES, MODIFICATIONS, AND/OR SUPPORTS (MUSER IX.3.A.(1)(d) & (g))

In addition to ongoing classroom supports and services, supplemental aids, and modifications, include a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and district-wide and classroom assessments (MUSER IX.3.A.(1)(f)(i)).

A. Supplementary aids, modifications, accommodations, services, and/or supports for SAU personnel		Location	Frequency	Duration Beginning/End Date
Sensory Tool Kit Help Card Break Card Squishy First/Then Board	☒ Classroom Instruction ☒ Classroom Assessment ☐ District-wide Assessment ☐ State Assessment	Special Education and Regular Education	As needed	12/13/2020-12/12/2021
Visual Aids and Supplements Daily Check In Reduce number of problems to demonstrate proficiency	☒ Classroom Instruction ☒ Classroom Assessment ☐ District-wide Assessment ☐ State Assessment	Special Education and Regular Education	As needed	12/13/2020-12/12/2021
	☐ Other			

Maine Department of Education

Chat Box Check In

Maine Department of Education

Section 6: Supplementary Aids, Services, Modifications and/or Supports

6. SUPPLEMENTARY AIDS, SERVICES, MODIFICATIONS, AND/OR SUPPORTS (MUSER IX.3.A.(1)(d) & (g))

In addition to ongoing classroom supports and services, supplemental aids, and modifications, include a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and district-wide and classroom assessments (MUSER IX.3.A.(1)(f)(i)).

A. Supplementary aids, modifications, accommodations, services, and/or supports for SAU personnel		**Location**	**Frequency**	**Duration Beginning/End Date**
	☐ Classroom Instruction ☐ Classroom Assessment ☐ District-wide Assessment ☐ State Assessment			
	☐ Classroom Instruction ☐ Classroom Assessment ☐ District-wide Assessment ☐ State Assessment			
	☐ Other			

Maine Department of Education

Section 6: Supplementary Aids, Services, Modifications and/or Supports

B. Alternate Assessments

If the IEP Team determines that the child shall take an alternate assessment on a particular State or district-wide assessment of child achievement, a statement of why the child cannot participate in the regular assessment and why the particular alternate assessment selected is appropriate for the child (MUSER IX.3.A.(1)(f)(ii)(I) & (II)).

☒ Yes, the child meets qualifications outlined in the Participation Decision Flowchart.

- If yes, include an explanation:

☐ No, the child does not meet the qualification and will be participating in regular education state and district-wide assessments.

☐ Not applicable.

If the child requires the alternate assessment:

- Check "Yes"
- Provide an explanation
- Child's academic goals require objectives
- This section is a MUST fill

Maine Department of Education

Section 6: Supplementary Aids, Services, Modifications and/or Supports

- An **accommodation** changes ***how*** a student learns the material.

- A **modification** changes ***what*** a student is taught or expected to learn.

Maine Department of Education

Section 6: Supplementary Aids, Services, Modifications and/or Supports

- Consultation is to ensure that skills developed in a previously more restrictive setting (SDI) are being carried over into a less restrictive setting (general education setting).

- Discussion of progress and accommodations is not consultation. If necessary, this would be considered a Supplementary Service and should be documented in Section 6.

Maine Department of Education

Section 6: Supplementary Aids, Services, Modifications and/or Supports

- You would never start with consultation.
- Consultation is specific to goals.

Maine Department of Education

Section 6: Supplementary Aids, Services, Modifications and/or Supports

6. SUPPLEMENTARY AIDS, SERVICES, MODIFICATIONS, AND/OR SUPPORTS (MUSER IX.3.A.(1)(d) & (g))

In addition to ongoing classroom supports and services, supplemental aids, and modifications, include a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and district-wide and classroom assessments (MUSER IX.3.A.(1)(f)(i)).

A. Supplementary aids, modifications, accommodations, services, and/or supports for SAU personnel		Location	Frequency	Duration Beginning/End Date
Educational Technician/BHP support in Core Content	☒ Classroom Instruction ☒ Classroom Assessment ☒ District-wide Assessment ☒ State Assessment	General and Special Education Setting	As needed	9/11/19-9/10/20

Educational Technicians, BHPs and Related Service assistants are always listed as accommodations.

Maine Department of Education

Guidance regarding the placement of BCBA services on the IEP 12.06.2019

- This communication is provided to clarify the placement of BCBA services on the IEP.
- Board Certified Behavior Analyst (BCBA) services *or* consultation must be listed in the related services grid under "Other.
- These services must go on the related service grid and are not considered accommodations.

If you have further questions, please contact – Erin.Frazier@maine.gov or 624-6713

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

Maine Department of Education

Guidance on Required Documentation for Maine Care Reimbursable Services on the Individualized Education Plan

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

MaineCare and Maine Department of Education Joint Training Resources

- IEP Documentation Training One Video - June 2, 2021, Passcode: %r^KpD51
- Presentation Slides (PDF)
- IEP Guidance on IEP Documentation – May 2021 (PDF)
- The MaineCare In Education Presentation (PowerPoint) explains how to access MaineCare services in schools.

Maine Department of Education

Section 7: Special Education and Related Services

7. SPECIAL EDUCATION AND RELATED SERVICES (MUSER IX.3.A.(1)(d) & IX.3.A.(1)(g))

Special Education Services	Position Responsible	Location	Frequency	Duration Beginning and End Date
Specially Designed Instruction				
Speech/Language Services				
Consultation				
Tutorial Instruction				
Extended School Year				
Related Services	**Position Responsible**	**Location**	**Frequency**	**Duration Beginning and End Date**
Speech/Language Services				
Occupational Therapy				
Physical Therapy				
Social Work Services				
Nursing Services				
Behavioral Health Day Treatment				
Transportation				
Other				

Child's <u>needs</u> drive services and their frequencies not the school or program schedule.

Maine Department of Education

Section 7: Special Education and Related Services

Certified special educators or licensed related service providers are responsible for SDI.

Speech or Language is only a direct service if the child is identified with:

- Speech or Language Impairment
- Multiple Disability and one is Speech or Language Impairment
- Autism and Speech or Language is the only service

Maine Department of Education

Section 7: Special Education and Related Services

- Content areas such as: Social Studies, Science, Health, etc. should not be identified in the service grid.
- Do not write goals around Social Studies, Science, Health etc.
- SDI may be provided in these content areas based on the unique needs of the child.
  - Reading deficits may be so severe that they require SDI in Social Studies

Maine Department of Education

Section 7: Special Education and Related Services

Location:

- Special education setting
- General education setting

Maine Department of Education

Section 7: Special Education and Related Services

- Frequency can be documented by: minutes, hours, weekly or daily.
- Regardless of the educational setting direct and related services should not exceed the regular school day or week.
- Service time is calculated based on actual delivery time of SDI in the general education class or study hall by the special educator.

Maine Department of Education

Section 7: Special Education and Related Services

SDI Guided Study Hall

(Executive Functioning Goals – such as Time Management)

Day	Week 1	Week 2
Monday	25 min	15 min
Tuesday	25 min	25 min
Wednesday	20 min	20 min
Thursday	20 min	15 min
Friday	40 min	35 min
Total Time	130 min	110 min

7. SPECIAL EDUCATION AND RELATED SERVICES (MUSER IX.3.A.(1)(d) & IX.3.A.(1)(g))

Special Education Services	Position Responsible	Location	Frequency	Duration Beginning and End Date
Specially Designed Instruction **Executive Functioning**	**Special Education Teacher**	**Special Education Setting**	**120 minutes per week**	**8/19/2020 – 8/18/2021**

Section 7: Special Education and Related Services

Specially Designed Instruction

7. SPECIAL EDUCATION AND RELATED SERVICES (MUSER IX.3.A.(1)(d) & IX.3.A.(1)(g))

Special Education Services	Position Responsible	Location	Frequency	Duration Beginning and End Date
Specially Designed Instruction **Reading**	**Special Education Teacher**	**Special Education Setting**	**30 minutes per week**	**8/19/2020 – 8/18/2021**
Specially Designed Instruction **Reading**	**Special Education Teacher**	**Special Education/General Education Setting**	**20 minutes per week**	**8/19/2020 – 8/18/2021**

Or

7. SPECIAL EDUCATION AND RELATED SERVICES (MUSER IX.3.A.(1)(d) & IX.3.A.(1)(g))

Special Education Services	Position Responsible	Location	Frequency	Duration Beginning and End Date
Specially Designed Instruction **Reading**	**Special Education Teacher**	**Special Education/General Education Setting**	**50 minutes per week**	**8/19/2020 – 8/18/2021**

Every ***Service*** needs a ***Goal***

Every ***Goal*** needs a ***Service***

Chat Box Check In

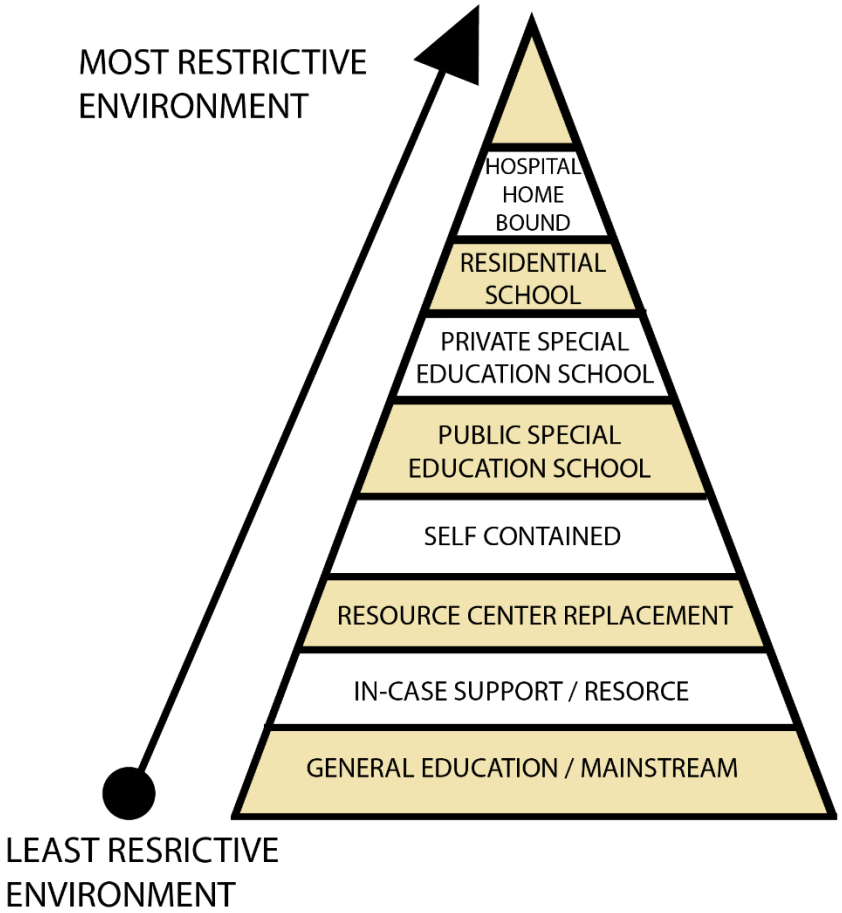
Maine Department of Education

Section 8: Least Restrictive Environment

"To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, shall be educated with children who are not disabled, and special classes, separate schooling, or other removal of students with disabilities from the regular educational environment shall occur only when the **nature** or **severity** of the **disability** of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily." MUSER [20 USC 1412(a)(5) and 34 CFR 300.114]

Maine Department of Education

Section 8: Least Restrictive Environment



https://www.myeducationalsolutions.com/least-restrictive-environment-lre/

Maine Department of Education

Section 8: Least Restrictive Environment

8. LEAST RESTRICTIVE ENVIRONMENT

FOR CHILDREN AGES 3-5 ONLY (CDS)			
What percentage of time is this child with non-disabled children?			An explanation of the extent, if any, to which the child will not participate with non-disabled children in the regular class and in extracurricular and other non-academic activities (MUSER IX.3.A.(1)(e)):
General Education Setting		Special Education Setting	
More than or equal to 10 hours ☐	Less than 10 hours ☐	Total # of hours:	

FOR K-12 ONLY	
What percentage of time is this child with non-disabled children? **%**	An explanation of the extent, if any, to which the child will not participate with non-disabled children in the regular class and in extracurricular and other non-academic activities (MUSER IX.3.A.(1)(e)):

Maine Department of Education

Section 8: Least Restrictive Environment

- The percentage should reflect the amount of time the child is with non-disabled children
- Based on the physical environment, not instruction

Maine Department of Education

Section 8: Least Restrictive Environment

Suzie's learning disability in reading and mathematics are to such a degree that she requires time in a more restrictive setting to receive specialized instruction to address her academic deficits.

Maine Department of Education

Chat Box Check In

Maine Department of Education

Written Notice

We are working to record a training on the Written Notice and will get that updated on our Professional Development resource page.

Maine Department of Education

Other Considerations

As you write IEPs and work to complete other paperwork, please remember the following:

Maine Department of Education

Please consider the following when developing an IEP:

During previous onsite visits, more than 50% of IEPs we reviewed in 2020-2021 did not meet compliance because of the following:

- Needs were identified but there were no corresponding goals.
- HOW statements were missing.
- Goals were not measurable because they included references to specific curriculum standards.
- Goals are not measurable because the included multiple skills and could not be clearly reported on during progress monitoring.
- Present Levels included statements like “Child struggles with…” or “Child sometimes…” and had NO data.
- Goals did not align with a service.
- Services did not align with a goal.
- “Child will…” statements in Transition Plan Section 9F
- No alignment to Annual Goals in Transition Plan Section 5

Eligibility Forms –

Remember

Summary of Performance –
- Make sure there are no Blank Boxes/Areas
- Section I and Section II must include data

Specific Learning Disability Eligibility Form –
- Make sure there are no Blank Boxes/Areas
- Verification must include data
- Include Strengths and Weaknesses
- Team Members must sign the document
- Document conversation/completion of form in Written Notice if appropriate

Speech/Language Eligibility Criteria –
- Make sure there are no Blank Boxes/Areas
- Document the criteria(s) that documents adverse impact
- Verification must include data
- Document and Include all Severity Rating Scales
- Document conversation/completion of form in Written Notice if appropriate

Form for Determination of Adverse Effect on Educational Performance –
- Make sure there are no Blank Boxes/Areas
- Document Reason for Use of Form
- N/A means Not Available
- Verification must include data
- Document conversation/completion of form in Written Notice if appropriate

Maine Department of Education

Eligibility Forms

Table of Contents

	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

Maine Department of Education

B13: Transition Plans –

Remember	**Where**
Purpose of Meeting	AWN
Child invited to Meeting	AWN
Agency Invited with Parent's PRIOR Consent	AWN
Post-Secondary Goals Updated Annually	WN
Post-Secondary goals age-appropriate assessments	IEP 9D
Measurable Post-Secondary Goals in Education/Training	IEP 9D
Measurable Post-Secondary Goals in Employment	IEP 9D
Measurable Post-Secondary Goals in Independent Living	IEP 9D
Course of Study (4 years)	IEP 9E
Transition Services (*NOT* "Child will…" statements)	IEP 9F
Alignment Between Transition Goals and Annual Goals	IEP 5

Maine Department of Education

Transition Plans

Table of Contents

	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

Maine Department of Education

B11: Child Find –

Remember

Procedural Safeguards –

- Procedural Safeguards were offered to parent at Point of First Contact
- Include in the Advanced Written Notice where the referral is first discussed
- Document as Enclosure or in the Written Notice

Timeline –

- Evaluations were completed within 45-school days
- Record on the consent form when received back in the SAU
- Include school calendar to allow to count school days
- Include parental consent
- Include cover page of all evaluations parent signed consent to complete
- Date when evaluations when received back in the SAU
- Compliance data reported to Office of Special Education Programs (OSEP) annually

Maine Department of Education

Child Find

Table of Contents

	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

Maine Department of Education

Abbreviated Day

Abbreviated school day means any day that a child eligible under this chapter attends school or receives educational services for less time than age/grade peers without disabilities within the same school and/or school program. (MUSER VI.2.L)

Abbreviated School Day does not apply to change in placement under Section XVII, Discipline of Children with Disabilities

(MUSER VI.2.L)

Maine Department of Education

Commonly Asked Questions –

This Photo by Unknown Author is licensed under CC BY-NC

Maine Department of Education

Do the words “Least Restrictive Environment” need to appear in the Written Notice?

No, but there needs to be clear documentation that LRE for the child was discussed at every IEP Team Meeting.

Maine Department of Education

Where should the conversation of COVID-19 be documented in the Written Notice?

The impact of COVID-19 should be noted in the WN in a way that best documents the team discussion. It can be noted in Section 3, 4 or 5, and could be included in Section 6 if there are Parent Concerns.

Maine Department of Education

Why would I check off “yes” in Section 3B on the IEP?

The question is from MUSER IX.3.C.(2)(a), and asks, “Does the child exhibit behavior that impedes the child’s learning or that of others requiring positive behavioral interventions and supports to address the behavior?” Any behavior that requires support, even those that present as more withdrawn or inattentive, would require interventions. Therefore, if the child has been identified as Other Health Impaired due to ADD/ADHD, our guidance would be to check “yes” to address the functional behavior programming that would address those skill deficits.

Maine Department of Education

Do we need to include the name of the evaluator in Section 4A?

This is a local decision, so check with your Special Education Director for specific guidance about their expectations. We do, however, need to see the name of all evaluations and the dates they were given.

Maine Department of Education

Why are Listening and Speaking considered Academic skills?

Listening and Speaking, as related to Academics, are the skills that are necessary for the child to interact with material at grade level. The Maine Learning Results do include Listening and Speaking standards and state that, “Besides having intrinsic value as modes of communication, listening and speaking are necessary prerequisites of reading and writing.” (Fromkin, Rodman, & Hyams, 2006; Hulit, Howard, & Fahey, 2010; Pence & Justice, 2007; Stuart, Wright, Grigor, & Howey, 2002).

Maine Department of Education

Does the How Statement go into the Needs or Present Level?

The IEP was changed August 2019. The How Statement is now paired with the Distinctly Measurable and Persistent Gaps in Section 4C and Section 4D/E of the IEP. Both components must be included for compliance in this area.

Maine Department of Education

Why is it important to consider attainable, yet challenging IEP goals for students?

On March 22, 2017, the Supreme Court stated that "*to meet its substantive obligation under IDEA, a school must offer an IEP that is reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances*."

This consideration of this is crucial in the development and carry over of present level, goals and progress.

Maine Department of Education

https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-endrewcase-12-07-2017.pdf

Is there anything IEP Teams should do differently as a result of the *Endrew F.* decision?

Although the Court did not determine any one test for determining what appropriate progress would look like for every child, IEP Teams must implement policies, procedures, and practices relating to

(1) identifying present levels of academic achievement and functional performance;

(2) the setting of measurable annual goals, including academic and functional goals; and

(3) how a child's progress toward meeting annual goals will be measured and reported, so that the *Endrew F.* standard is met for each individual child with a disability.

Separately, IEP Teams and other school personnel should be able to demonstrate that, consistent with the provisions in the child's IEP, they are providing special education and related services and supplementary aids and services; making program modifications; providing supports for school personnel; and allowing for appropriate accommodations that are reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances and enable the child to have the chance to meet challenging objectives.

https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-endrewcase-12-07-2017.pdf

Does Academic Present Level need to include data points?

Yes, Academic Present Level must include clear data. Avoid statements like “Child often struggles with…” or “Child sometimes has difficulty with...” or “Child appears to…”.

Maine Department of Education

Do all goals need a citation?

Academic goals need to be cited to the Maine Learning Results (MLR), Guiding Principles and/or district adopted standards.

Functional goals do not need to include a citation.

However, for children ages 3-5, ALL goals should be cited to Maine Educational Learning and Developmental Standards (MELDS) or Maine Infant and Toddler's Guide for Learning Development.

https://www.maine.gov/doe/sites/maine.gov.doe/files/inline-files/MELDS_Re-Print.pdf

https://www.maine.gov/earlylearning/standards/infantsandtoddlersguidelines.pdf

Maine Department of Education

Can a rubric be referenced as measurement towards a goal?

Yes, a rubric can be used as measurement for a goal, however, if it as referenced, the rubric itself must be literally attached to the IEP itself.

Maine Department of Education

Can I include multiple skills in one goal?

No, you cannot clearly report on the goal if there are multiple skills included.

Maine Department of Education

Can accommodations be included in a goal?

Yes, you can choose to include the accommodations in a goal, however, there must be a service listed to address the skill deficit identified in the goal. The service must then also be documented in Section 7.

Every goal needs a service AND every service needs a goal. Make sure there is alignment back and forth between goals/service and service/goals.

Maine Department of Education

Can I use specific curriculum as measurement towards a goal?

No, specific curriculums and programs should not be referenced as measurement in a goal. Our guidance would be to identify the measurable components that directly align to the skill deficits referenced in the goal. (ie. Reading Fluency, Math Fluency, Spelling, etc.)

Maine Department of Education

Does Functional Present Level need to include data points?

Yes, Functional Present Level must include clear data. Avoid statements like “Child often struggles with…” or “Child sometimes has difficulty with...” or “Child appears to…”.

Maine Department of Education

What is an “outcome” and why shouldn’t it be included as a goal?

An outcome is an age appropriate expectation and includes those skills we want to all children to exhibit. Examples include, self-regulation, attendance, work completion, reduced aggression or similar. Goals should be written to address those specific skill deficits that interfere with the child’s ability to reach the outcomes that we expect for all children.

Maine Department of Education

How do I document an accommodation if I'm not sure how often it will be needed?

All boxes in Section 6 must be filled in. It is appropriate to document "As Needed" in Frequency if necessary.

Maine Department of Education

If a student does not require alternate assessment, do I have check “no” or N/A?

This is a local decision, so check with your Special Education Director for specific guidance about their expectations. However, it cannot be left blank.

Maine Department of Education

Is it considered Consultation when a special education teacher or service provider checks in with a regular education teacher?

Consultation is specific to student goals and should be documented in the goal itself.
"Given consultation, child will…" or "Given specially designed instruction and consultation child will…"

Teacher to teacher check-in is an accommodation and should be documented in Section 6.

Maine Department of Education

How do I calculate the percentage of time the child is with non-disabled peers?

Divide the number of service delivery minutes by the number of minutes in your district's school week.

Example:

300/1800 = .16 or 16%

100% - 16% = 84% with non-disabled peers

Maine Department of Education

How is the annual date of the IEP different from the duration of the IEP?

Maine Unified Special Education Regulations (MUSER) states "*To review, at least annually…".* The annual date is the date when the IEP meeting was held and will run for 364 days. Therefore, the IEP Team must reconvene an IEP meeting within 364 days.

The duration date reflects the life of the IEP itself, and also runs for 364 days.

Maine Department of Education

When determining Multiple Disabilities, do we check all that apply?

Yes, on Section 2 of the IEP, check all that apply.

MUSER states, “Multiple Disabilities means concomitant impairments the combination of which causes such severe educational needs that the child cannot be accommodated in special educational programs solely for one of the impairments.” Therefore, the IEP Team must discuss and agree on which disability categories are impacting the educational environment for the child.

Please note, a child may have a need for service in multiple areas, but this does not necessarily mean they should be identified as Multiple.

Consider the following: a child identified with Autism may require Speech/Language services, but the speech/language delays are most likely are characteristic of autism, and are therefore not concomitant.

Maine Department of Education

Do all the questions on the Adverse Effect form have to be answered?

Yes, all the questions need to be answered by the IEP Team.

Please note: NA means Not Available. Therefore, if there is no data to support a “yes” or “no” then “NA” should be checked.

Maine Department of Education

Do the eligibility forms need to be completed during the IEP Team Meeting?

Yes, any appropriate eligibility forms must be completed during the meeting and a statement about this must be included in the Written Notice.

The Specific Learning Disability Form must be signed by all Team members.

Also, if there is a change in eligibility, it might be necessary to complete multiple eligibility forms.

Maine Department of Education

Questions?

This Photo by Unknown Author is licensed under CC BY-SA

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/covid19/Administrators/Virtual%20Meeting%20Archives

Special Education Resources –

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

Special Education Laws and Regulations –

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

Special Education Forms and Reporting –

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

This Photo by Unknown Author is licensed under CC BY-NC

Maine Department of Education

This Photo by Unknown Author is licensed under CC BY-NC

Colette Sullivan – Federal Programs Coordinator

colette.sullivan@maine.gov

Leora Byras – Special Education Consultant

leora.byras@maine.gov

Jennifer Gleason – Special Education Consultant

jennifer.Gleason@maine.gov

Julie Pelletier – Secretary Associate

julie.pelletier@maine.gov

Education