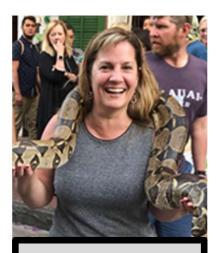


Maine Department of Education
Office of Special Services and Inclusive Education

Updated March 2023





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Procedural Manual

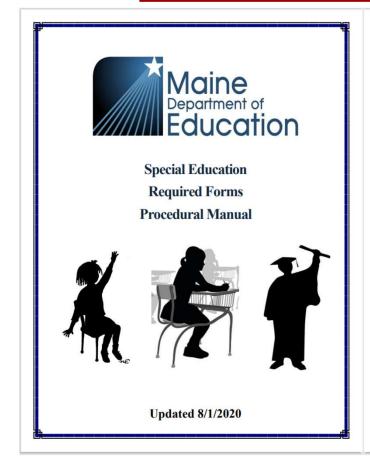


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The IEP Committee: Patricia Block, RSU #12 Mary Adley, Maine DOE Laurie Lemieux, Winthrop School Dept. Roberta Lucas, Maine DOE Kris Michaud, CDS Shelby Thibodeau, Augusta School Dept. Dan Hemdal, Maine DOE Ryan Meserve, RSU #38 Riley Donovan, RSU #64	

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



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



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



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

Example:

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



Section 5: Academic Performance – Present Level IDEA requirement – <u>MUST</u> fill

§300.320 Definition of individualized education program.

- (a) *General.* As used in this part, the term individualized education program or IEP means a written statement for each child with a disability that is developed, reviewed, and revised in a meeting in accordance with §§300.320 through 300.324, and that must include—
 - (1) A statement of the child's present levels of academic achievement and functional performance, including

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

ACADEMIC PERFORMANCE (Part B, ages 3 - 20) refers to a child's ability to perform age appropriate (comparable to same age/grade peers) tasks and demonstrate appropriate skills in reading, writing, listening, speaking, and mathematical problem solving in the school environment.

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

Child is on academic grade level with their peers.

OI

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.



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."



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

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



Endrew F. v. Douglas County School District

The Supreme Court 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



Use of Data

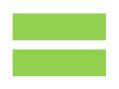
Data should be used to:

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





Present Level
Of
Performance



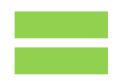
Understandable to all, including parents

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

- Procedural Manual page 24 & 25



Present Level
Of
Performance



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

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

- Procedural Manual page 24 & 25



Present Level
Of
Performance



Aligned with Goal Immediately Following

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

- Procedural Manual page 24 & 25



Alignment throughout the IEP document

Evaluations

Disability Identification

Academic and Functional Skill Gaps

Present Level of Performance

Special Education and Related Services

Measurable Goals

1-to-1 correspondence

Gap -> Present Level -> Goal

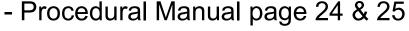


Present Level
Of
Performance



Baseline
Data for
Specific Skill
Gap

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





Same Data Point

Present Level
Of
Performance



Baseline Data

Measurable Goal



Measurement Data

Progress Monitoring



Present Level
Of
Performance



Subjective:

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



Present Level
Of
Performance



Approximate:

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



Present Level
Of
Performance



Multiple Skills or Prerequisite Skills



Present Level
Of
Performance



- Grades
- Grade Level
- Standard Scores
- Percentile



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

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

Source:

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



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

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

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



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.

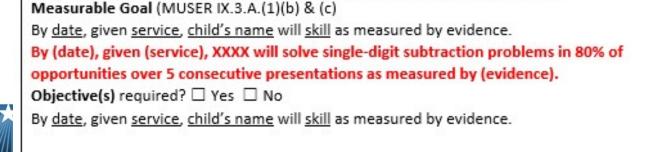
Present Level / Goal / Progress Monitoring: Same Data Point

- 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?
 - Addition with regrouping
 - Single digit subtraction

XXXX's gaps in math computation affect their involvement in the general education curriculum xxxxxxx

OXXXXXXXXXXXXXXXXX

Present Levels of Academic Performance (MUSER IX.3.A.(1)(a)(i) & (ii)):	
XXXX solves 2-digit addition problems with regrouping in 0% of opportunities.	
Measurable Goal (MUSER IX.3.A.(1)(b) & (c)	Progress:
By date, given service, child's name will skill as measured by evidence.	(date1) XXXX solves 2-digit addition
By (date), given (service), XXXX will solve 2-digit addition problems with regrouping in 50% of	problems with regrouping in 18% of
opportunities over 5 consecutive presentations as measured by (evidence).	opportunities.
Objective(s) required? ☐ Yes ☐ No	(date2) XXXX solves 2-digit addition
By <u>date</u> , given <u>service</u> , <u>child's name</u> will <u>skill</u> as measured by evidence.	problems with regrouping in 34% of opportunities.



Present Levels of Academic Performance (MUSER IX.3.A.(1)(a)(i) & (ii)): XXXX can solve single-digit subtraction problems in 40% of opportunities.

Progress:

(date1) XXXX solves single-digit subtraction problems in 58% of opportunities. (date2) XXXX solves single-digit subtraction problems in 72% of opportunities.

If you are having trouble determining baseline data for a skill gap:

Ask yourself:

 Am I looking at a <u>specific</u> skill gap or is it too broad?

Does the gap encompass multiple skills?

Is the gap outcome-based or skill-based?

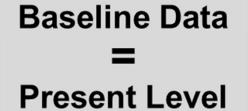


Remember:

Academic & Functional 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."





Measurable Goal



Progress



Alignment throughout the IEP document

Evaluations

Disability Identification

Academic and Functional Skill Gaps

Present Level of Performance

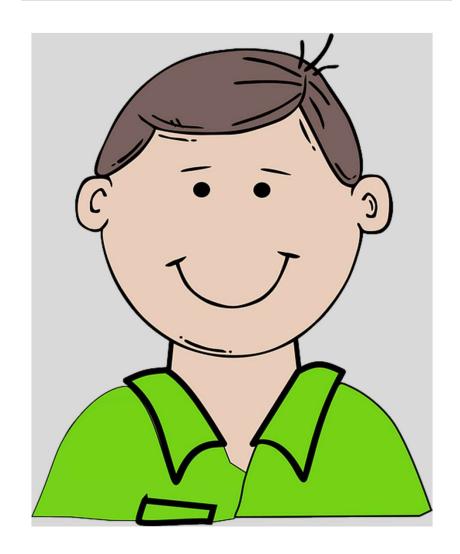
Special Education and Related Services

Measurable Goals

1-to-1 correspondence

Gap -> Present Level -> Goal







Walter

Walter is a 2nd grade student identified with Other Health Impairment.

Evaluations completed by Jane Doe on 10/15/21 and 10/17/21:

BASC – (Average T scores are in the range of 40 to 60)

Hyperactivity – T Score 80

Withdrawal – T Score 65

Attention Problems – T Score 70

ADLs – T Score 65

<u>WJ-R</u> – (Average standard scores are 90-110)

Passage Comprehension – SS 98

Written Expression – SS 70

Writing Fluency – SS 78

Word Attack – 79

Walter loves to read and has strong comprehension. He works very hard and is friendly. He struggles with spelling and writing, and has executive function skills deficits, including self-initiation and organization.



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:

Evaluations completed by Jane Doe on 10/15/21 and 10/17/21:

BASC - (Average T scores are in the range of 40 to 60)

Hyperactivity - T Score 80

Withdrawal - T Score 65

Attention Problems - T Score 70 ADLs - T Score 65

WJ-R - (Average standard scores are 90-110)

Passage Comprehension - SS 98

Written Expression - SS 70

Writing Fluency - SS 78

Word Attack - 79

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

Walter has strong comprehension skills and loves to read. He is friendly and works hard in school.

- 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?
 - Spelling
 - Writing Fluency
 - Written Expression

These deficits impact Walter's ability to access and participate in all grade level curriculum in the areas of writing.

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

These deficits impact Walter's ability to engage socially with peers in all grade level activities.

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?



Based on the provided information, identify in the Chat Box what you think Walter's Academic Present Level might look like.

Present Levels of Academic Performance (MUSER IX.3.A.(1)(a)(i) & (ii)): Walter spells CVC words with 35% accuracy.

Present Levels of Academic Performance (MUSER IX.3.A.(1)(a)(i) & (ii)): Walter writes sentences with 3 words or fewer.

Present Levels of Academic Performance (MUSER IX.3.A.(1)(a)(i) & (ii)):
Given a definition, Walter expresses the correct vocabulary word with 50% accuracy.



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:

Evaluations completed by Jane Doe on 10/15/21 and 10/17/21:

BASC - (Average T scores are in the range of 40 to 60)

Hyperactivity - T Score 80

Withdrawal - T Score 65

Attention Problems - T Score 70 ADLs - T Score 65

WJ-R - (Average standard scores are 90-110)

Passage Comprehension - SS 98

Written Expression - SS 70

Writing Fluency - SS 78

Word Attack - 79

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

Walter has strong comprehension skills and loves to read. He is friendly and works hard in school.

- 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?
 - Spelling
 - Writing Fluency
 - Written Expression

These deficits impact Walter's ability to access and participate in all grade level curriculum in the areas of writing.

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

These deficits impact Walter's ability to engage socially with peers in all grade level activities.

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?



Based on the provided information, identify in the Chat Box what you think Walter's Functional Present Levels might look like.

Present Levels of Functional/Developmental Performance (MUSER IX.3.A.(1)(a)(i) & (ii): Walter initiates work tasks within 10 minutes with 2 adult prompts in 70% of opportunities.

Present Levels of Functional/Developmental Performance (MUSER IX.3.A.(1)(a)(i) & (ii): Walter seeks tools required for a task (i.e. pencil, crayons, scissors), by independently retrieving or asking for the tool, in 25% of opportunities.



Resources

Professional Development Calendar -

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

Link for Recordings and Power Points -

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

Special Education Resources –

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

Special Education Laws and Regulations –

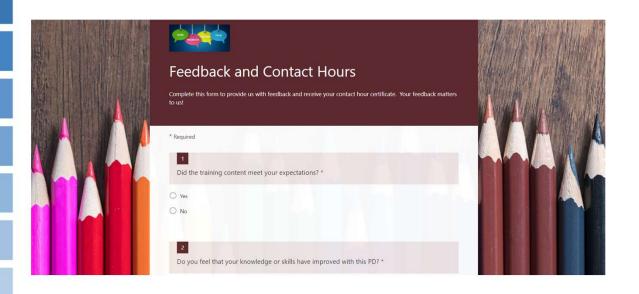
https://www.maine.gov/doe/learning/specialed/law

Special Education Forms and Reporting –

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



Professional Learning Feedback and Contact Hour Form



the form on your computer

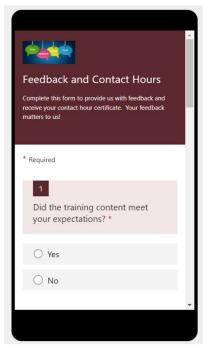
<u>OR</u>

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

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









THANKYOU!

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