

## **2% Regulation Technical Assistance Teleconference**

### **Today's Topic: The Role of the IEP Team in Identifying 2% Students** September 20, 2007, 1:00 Eastern Daylight Time

#### **Opening and introductions**

##### **Martha Snyder, Senior Policy Advisor to OESE Assistant Secretary**

Last month we focused on what states can begin to do to develop guidelines, look at data, and identify information that will assist in development of a 2% assessment. We heard from Melissa Fincher in Georgia with an excellent presentation on data-based ways to determine where gaps in instruction exist vs. gaps in assessment.

Today we will talk about state guidelines, what role the IEP team has, and how the standards-based IEP relates to these determinations.

I'll start with an overview of the regulations and guidance. The intention is to provide better instruction and assessment for these students. The regulations do not specify who students are who may be affected by these regulations. The role of the IEP team is explicitly addressed in the regulation in identifying the students and monitoring their progress toward grade level achievement. The state must develop guidelines for IEP teams, including (from regulations):

Sec. 200.1(f) State guidelines. If a State defines alternate or modified academic achievement standards under paragraph (d) or (e) of this section, the State must do the following--

(1) For students who are assessed based on either alternate or modified academic achievement standards, the State must--

(i) Establish and monitor implementation of clear and appropriate guidelines for IEP teams to apply in determining--

(A) Students with the most significant cognitive disabilities who will be assessed based on alternate academic achievement standards; and

(B) Students with disabilities who meet the criteria in paragraph (e)(2) of this section who will be assessed based on modified academic achievement standards. These students may be assessed based on modified academic achievement standards in one or more subjects for which assessments are administered under Sec. 200.2;

(ii) Inform IEP teams that students eligible to be assessed based on alternate or modified academic achievement standards may be from any of the disability categories listed in the IDEA;

(iii) Provide to IEP teams a clear explanation of the differences between assessments based on grade-level academic achievement standards and those based on modified or alternate academic achievement standards, including any effects of State and local policies on the student's education resulting from taking an alternate assessment based on alternate or modified academic achievement standards (such as whether only satisfactory performance on a regular assessment would qualify a student for a regular high school diploma); and

(iv) Ensure that parents of students selected to be assessed based on alternate or modified academic achievement standards under the State's guidelines in this paragraph are informed that their child's achievement will be measured based on alternate or modified academic achievement standards.

(2) For students who are assessed based on modified academic achievement standards, the State must--

(i) Inform IEP teams that a student may be assessed based on modified academic achievement standards in one or more subjects for which assessments are administered under Sec. 200.2;

(ii) Establish and monitor implementation of clear and appropriate guidelines for IEP teams to apply in developing and implementing IEPs for students who are assessed based on modified academic achievement standards. These students' IEPs must--

(A) Include IEP goals that are based on the academic content standards for the grade in which a student is enrolled; and

(B) Be designed to monitor a student's progress in achieving the student's standards-based goals;

(iii) Ensure that students who are assessed based on modified academic achievement standards have access to the curriculum, including instruction, for the grade in which the students are enrolled;

(iv) Ensure that students who take alternate assessments based on modified academic achievement standards are not precluded from attempting to complete the requirements, as defined by the State, for a regular high school diploma; and

(v) Ensure that each IEP team reviews annually for each subject, according to the criteria in paragraph (e)(2) of this section, its decision to assess a student based on modified academic achievement standards to ensure that those standards remain appropriate.

Sec. 200.1(e)(2) In the guidelines that a State establishes under paragraph (f)(1) of this section, the State must include criteria for IEP teams to use in determining which students with disabilities are eligible to be assessed based on modified academic achievement standards. Those

Criteria must include, but are not limited to, each of the following:

(i) The student's disability has precluded the student from achieving grade-level proficiency, as demonstrated by such objective evidence as the student's performance on--

(A) The State's assessments described in Sec. 200.2; or

(B) Other assessments that can validly document academic achievement.

(ii)(A) The student's progress to date in response to appropriate instruction, including special education and related services designed to address the student's individual needs, is such that, even if significant growth occurs, the IEP team is reasonably certain that the student will not achieve grade-level proficiency within the year covered by the student's IEP.

(B) The determination of the student's progress must be based on multiple measurements, over a period of time, that are valid for the subjects being assessed.

(iii) If the student's IEP includes goals for a subject assessed under § 200.2, those goals must be based on the academic content standards for the grade in which the student is enrolled, consistent with paragraph (f)(2) of this section.

Dr. Margaret McLaughlin, Professor of Special Education at the University of Maryland, has been conducting research on IEPs and IEP team roles, and she will discuss her findings now.

### **Dr. Margaret McLaughlin**

I was asked to speak to the role of IEP and IEP team – how do we develop goals and instruct in the grade level for students who have major gaps in their skills. This is not a new issue. In 1997, the IDEA amendments required that students access the general curriculum. I will try to summarize my own and others' work on this since then, and identify issues to consider as we do that.

We have a long tradition in special education that we have trained our teachers on development of IEPs that are somewhat deficit based. We would use assessments that were basic skills, standardized instruments, and focused our goals around remedying deficits.

With the advent of 1997 access requirements, and the more recent NCLB requirements and regulations, specifically the 2% regulation, grade-level goals have become more and more important. The key question is "How do we take a child who has missing skills, and provide goals and instruction in grade-level content?"

EXAMPLE: One of the University of Maryland students was working with 5 boys who had diagnosis of emotional-behavior disorders, 10-11 year olds. Each had IEP goals consistent with state standards, and they all had math standard goals, grade level appropriate. The U MD student's task was to work on a curriculum unit on circles, circumference, diameter, and area of a circle, in a 5-6 week unit. These students needed extra help, but all students were working on this grade level unit. She found that all of them had basic skills gaps in computation, mathematics vocabulary, etc. She knew they had two needs: there needed to be instruction on filling the gaps, but not all of those gaps would preclude the students from determining the area of a circle. They also needed to work on the circle unit. She made a decision to focus on the basic foundational skills, and after 6 weeks, these students did not gain the knowledge of circles. This decision, and the outcome, is typical; many teachers face this. The bottom line is that "ready means never." If you wait to get these kids mastering basic skills, then there will never be time to learn and master the critical skills and knowledge they need to progress in grade-level curriculum.

We need to address BOTH of these questions in the IEP:

1. How do we deal with critical foundation skills?
2. How will the student build skills and knowledge in the grade-level content?

These are equally important things for IEP teams to address. So what do they need to know before they can develop?

1. People on the IEP team collectively have to have a deep understanding of general education subject matter content, and understand not just WHAT is in it, and how the curriculum is organized, over time – K-12, and within the grade level, precursors to later skills and knowledge – they have to think about what has to occur in this year and the year after. It cannot be looked at in a one year frame. They also need to look at how the curriculum is "chunked," most commonly into units, 5-6 weeks in time. Students don't have a "year" to learn all the content, but need to follow the curriculum throughout the year. It requires general education teachers as well as the special education teachers.

2. All people who are involved in the IEP development must know how to assess the student in relationship to the grade-level content demands. It is not enough to take an off the shelf test that identifies deficits. Instead – what are the key units of instruction coming up, and what do we need to work on to ensure the student can benefit. Some gaps in learning may be essential to mastering the content coming up in the curriculum, but not all of them will be. Using the example above, computation skills aren't essential to the circle unit above. Does the student have basic understanding of geometric concepts, can we work on terminology? We need to use assessments ongoing to figure out what needs to be built in order to allow the student to access the content. We need bigger assessment toolkits than we have had in the past.

We can't forget that if they could learn everything in the unit of instruction within the 5-6 weeks, then we may not have a child that has an IEP. So now we have to think very strategically about which of the core pieces of the standard need to be mastered and learned well. We can't do it by cherry-picking out of the state standards – the student

needs to build a foundation to move to the next level. There may be some things that IEP teams can determine that aren't going to be as critical – and again, they can focus the goals on those things that will contribute to this year and out years as well.

3. The team needs to think about accommodations and supports. What will the student need to access the content? It may be the student has some reading deficits where you will have to consider. What are the accommodations the student will need in the reading area to access information and knowledge in spite of basic reading skills deficits? The IEP team should have good knowledge of the accommodations policies, and the difference between an accommodation and a modification. I have seen too often recently on IEPs just a list of the accommodations allowable on the test – but they aren't connected to content or instructional context.

4. Progress monitoring is a critical piece of this – how you determine what evidence to use whether the student has learned at the end of critical chunks of the curriculum, to ensure that the student did learn the critical knowledge and skills we wanted him to learn. You'll need to have assessments that are linked to the curriculum and academic content, aligned with state assessment. You may not have all the tools you need, but there are end of unit tests, informal and systematic questioning of the student, and for some of the basic skills there are curriculum based measures (CBMs) that can be used. There are tools and techniques to monitor the progress of students, but we need tools that cover all of the rich and varied content, not just basic skills.

5. The IEP should show who will be responsible for teaching these goals, and where it will occur. Some of the instruction in the example discussed earlier might occur just with special educator in a pull out for a few hours a week or day until the student has mastered specific skills, but differentiated instruction matching challenges of content and the needs of the student is an essential piece for the IEP team to consider.

In closing, this cannot just be “done” in the IEP meeting. It has to be done in a school wide and district wide effort, working on how to teach all children grade-level content. This is being done in a number of schools, it can be done, but we have to overcome the traditions of IEP development, and our history of thinking about deficit planning for the IEP. IF we can think of IEP development as not only giving access, but ensuring meaningful progress toward those standards, that is needed to achieve at grade level.

#### QUESTIONS AND ANSWERS:

**Q: We know that there is going to have to be a significant change in the IEP team meeting – we have 30 minutes, do cookie cutters – what are strategies SEAs and LEAs are using to teach this new thoughtful way of developing IEPs?**

**A:** I can speak mostly to districts, there are whole districts as well as individual schools that have done this. They are similar in that they have either through formal organization or just informal teacher meetings, have worked very closely with grade-level curriculum people. They do it by chunks of grade level and by content area. They sit down and have conversations that are around these chunks of curriculum. If the unit is around geometry,

algebra – examine what the expectations are K-3, 4-6 so that people get a good understanding of what the students need within and across grades, and what is critical knowledge and skills.

If the state has a good assessment, these critical knowledge and skills will be covered, and the blueprint helps identify priorities. Other districts have mapped out the curriculum, and identify the critical skills, so teachers have a guide. Our problem is that in the past we had a very narrow focus on a few skills, and we have to shift to understanding that some students with low basic skills may have well developed conceptual understanding of the content. Teachers haven't had good tools to talk about instructional and curriculum topics – before it was time spent, now it is really focused on what is going to be taught, and how it is to be taught.

Cookie cutter IEPs have to end. Even under the new standards, we continue to see cookie cutter formulas, and that is not a good practice. Accommodations are also cookie cutter too often.

**Q: What is curriculum? There are many ways of understanding of what curriculum is – when curriculum is conceptual in nature, vs. curriculum being skill development, it is much more difficult to give access to curriculum.**

**A:** K-12, within and across, most states have both skills and knowledge, not all one or the other. Some teachers teach the lowest common denominator, getting side tracked with basic skills, and never getting to the other. When I talk about curriculum, I am talking about both skills and knowledge, in any unit you will have both basic skills and concept development. More skill based things at the lower grades, but you also have more complex operations, concepts, vocabulary even at lower grades.

When we have kids that may not have mastered computation, the tradition has been to fall back and drill on those – in any unit, they will have both and must be taught both. If they have a requirement that computation in a timed setting as the essential target, then you teach it, or teach it and accommodate... in order to make the decisions, you have to understand whether the skills is essential now or in the future, or if you can go around it. Obviously you want to ensure the basic skills develop, but that is not going to preclude a student from participating in the rest of the grade-level content. In a few areas, basic skills are the target; in others it is one of many targets, and there are options to access the conceptual parts in spite of gaps.

**Closing:** Martha Snyder – The tentative date for the next conference call is October 18, 2007, and the topic and finalized date will be announced through the usual venues. Thanks again to Dr. McLaughlin from the University of Maryland for her presentation.