

2023 Educational Benefit Review Compliance Guide



Item No.	Compliance Standard and Legal Citations	Compliance Test	Considerations
<p>14.1.1 (Assessment and Present Levels)</p>	<p>The assessment plan, assessment reports and IEP shall show a pupil is assessed in all areas related to the suspected disability including, if appropriate, health and development, vision, including low vision, hearing, motor abilities, language function, general intelligence, academic performance, communicative status, self-help, orientation and mobility skills, career and vocational abilities and interests, and social and emotional status. A developmental history shall be obtained, when appropriate. For pupils with residual vision, a low vision assessment shall be provided.</p> <p>The IEP shall document a statement of the individual's present levels of academic achievement and functional performance, including the manner in which the disability of the individual affects his or her involvement and progress in the general education curriculum, or for preschool children, as appropriate, the manner in which the disability affects his or her participation in appropriate activities.</p> <p>The IEP shall show a direct relationship between the student's present levels of performance, the goals and objectives, and the specific educational services to be provided.</p>	<p>1) Is the student assessed in all areas related to the suspected disability and are assessments sufficiently comprehensive to identify all of the student's special education and related service needs, whether or not commonly linked to the disability category in which the child has been classified?</p> <p>2) Does the IEP include a statement of how disability affects involvement and progress in the general education curriculum?</p> <p>3) Does the IEP include a direct relationship between:</p> <ul style="list-style-type: none"> a. assessments and present levels of performance? b. present levels of performance and goals? c. goals and specific educational services to be provided? <p>4) Are goals developed for all areas of need identified as</p>	<p><i>There must be a logical consistency between the assessment report, the student's present levels of performance, annual goals and benchmarks/objectives (as appropriate), and services that will be provided.</i></p> <p>Evaluations:</p> <ul style="list-style-type: none"> • Are assessments completed in all areas related to the suspected disability? • Did the assessments identify all of the needs of the student? • Is there a statement of how the student's disability affects their involvement and progress in the general education curriculum (or for preschool how the disability affects the student's participation in appropriate activities)? • Were a variety of assessment tools and strategies used gather relevant functional, developmental and academic information about the student? • In the case of specific learning disability eligibility, do assessments include observations in the students learning environment to document the student's academic performance and behavior in the areas of difficulty? • Are assessments provided in the student's native language unless it is <u>clearly</u> feasible not to do so?

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	<p>Legal Citations: 34 CFR 300.304(c) EC 56320(f) 34 CFR 300.320(a)(1) EC 56345(a)(1) 5 CCR 3040(c)</p>	<p>requiring specialized academic and/or functional support?</p>	<ul style="list-style-type: none"> • Are the strengths of the student considered? <p>Individualized Education Plans/Programs:</p> <ul style="list-style-type: none"> • Do the present levels contain data/information from a variety of sources, including parents and teachers? • Are all areas of need identified in the assessments and present levels listed? • Are goals created for all areas of need
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14-1-2	The IEP should include a statement of the	1) Does the IEP include	<i>Must be documented in the IEP.</i>

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(Accommodations, Modifications, Services, and Least Restrictive Environment)	<p>program modifications or supports for school personnel that will be provided to enable the student to advance toward attaining annual goals, be involved and make progress in the general education curriculum and participate in extracurricular activities, and to be educated and participate with other students with disabilities and with nondisabled students.</p>	<p>descriptions of program modifications or supplementary aides and services that will be provided to enable the student to:</p> <p>a. Advance toward attaining annual goals? b. Be involved and make progress in the general education curriculum and participate in extracurricular activities? c. Be educated and participate with other students with disabilities and with nondisabled students?</p>	<ul style="list-style-type: none"> • Are services listed to address all goals? • Are services sufficiently clear in how they will be provided to ensure <u>informed</u> consent from the parent? • Are services reasonably sufficient in frequency and duration to support progress in the goals? • Are accommodations and modifications appropriate based on the student's needs? • Are special factors addressed in the IEP, including the student's need for Braille, language, communication, assistive technology, and behavioral support as appropriate?
	<p>Legal Citations: 20 USC 1414(d)(1)(A)(i) (IV)(aa), (bb), and (cc), 34 CFR 300.320 (a)(4), 30 EC 56345 (a) (4) (A) (B) (C)</p>		

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<p>14-1-3 (Free Appropriate Public Education)</p>	<p>Records, documentation, and interviews must indicate that all children with a disability have a free appropriate public education available to them.</p> <p>Legal Citations: 20 USC 1412(a)(1), 34 CFR 300.101, 30 EC 56040</p>	<p>Were any of the noncompliance items found above sufficient to constitute a denial of FAPE in the current IEP?</p>	<p>Review the components of FAPE in 34 CFR 300.17</p> <ul style="list-style-type: none"> • Generally, does the LEA serve all eligible children? • Are they served at no cost to the parents? • Are services provided under public supervision? • Does it include a regular preschool, elementary and secondary education? • And are the services provided in conformity with an IEP?
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<p>14-1-4 (Present Levels, Goals, Services and Progress)</p>	<p>The IEP must contain a statement of the special education and related services and supplementary aids and services, to assist the student in advancing appropriately toward attaining the annual goals, to be involved in and make progress in the general education curriculum, to participate in extracurricular and other nonacademic activities; and be educated and participate with other children with disabilities and nondisabled children.</p> <p>A review of records, other documentation and interviews must demonstrate that the LEA ensured that the annual IEP goals and if appropriate, benchmarks, were measurable and designed to meet the student's needs that result from the student's disability.</p>	<p>Present Levels/Goals/Services:</p> <p>1) Were services planned to support:</p> <ul style="list-style-type: none"> a. Progress toward all goals? b. Progress in the general education curriculum? c. Participation in extracurricular/ academic activities? d. Education with other students with disabilities and typically developing students? 	<p><i>Consider whether the goals and objectives are appropriate, whether they have been adjusted over time. Consider whether the goals, objectives and services are reasonably calculated to enable the child to benefit from special education and related services. Consider whether the LEA has provided consistent related and support services to the child (consistent staffing). Consider whether the locations, facilities, equipment and materials are comparable to those provided for all other students.</i></p>
	<p>Legal Citations: 34 CFR 300.320(a)(4) 20 U.S.C. 1414(d)(4)(A)(ii)(I), 34 CFR 300.324(b)(1)(ii)(A), EC 56345(a)(1,2), EC 56341.1(d)(1), and EC 56343(b)</p>	<p>Progress on Goals:</p> <p>1) Did the LEA assist the student to achieve the goals listed in the IEP?</p> <p>2) If there is a lack of expected progress towards goals or in the general education curriculum, was the IEP adjusted to address the lack of progress?</p>	<ul style="list-style-type: none"> • In non-assessment years, are present levels of academic and functional performance extensive enough to confirm areas of need and the student's current levels/baselines? • Are goals written to enable the student to participate and make progress in the general education curriculum? • Are the goals based on the student's <u>grade level</u> standards? • Are goals updated from year to year based on student progress? • For students turning 16 or older, are there appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education and employment (and independent living skills as appropriate)? • Is progress documented on all goals? • Did the student make progress towards the goals, and in the general education curriculum? • Are goals changed/updated from year to year? If the goals are the same, was the IEP otherwise altered to address the lack of growth (i.e. service levels increased, etc.)?

