

2025 Educational Benefit Review Compliance Guide



Item No.	Compliance Standard and Legal Citations	Compliance Test	Considerations
14.1.1	<p>The assessment plan, assessment reports and individualized education plan (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>Legal Citations:</p> <p>34 CFR 300.304(c) 30 EC 56320</p>	<p>Is the student assessed in all areas related to the suspected disability and are assessments sufficiently comprehensive to identify all 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>	<ul style="list-style-type: none"> • Are assessments completed in all areas related to the suspected disability? • Did the assessments identify all the needs of the student? • 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? • Are the strengths of the student considered?
14-2-1	<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>Does the IEP include a statement of how disability affects involvement and progress in the general education curriculum?</p>	<ul style="list-style-type: none"> • Do the present levels contain data/information from a variety of sources, including parents and teachers? • Do the present levels contain sufficient information to help identify support and service needs, set baselines, and provide teachers with sufficient information to support the student? • Are all areas of need identified in the

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assessments discussed in the present levels?

Legal Citations:

34 CFR 300.320(a)(1)
EC 56345(a)(1)

14-3-1

The IEP shall contain a statement of measurable annual goals, including academic and functional goals, designed to do both of the following:

- Meet the needs of the individual that result from the disability of the individual to enable the pupil to be involved in and make progress in the general education curriculum.
- Meet each of the other educational needs of the pupil that result from the disability of the individual.

Legal Citations:

34 CFR 300.320(a)(2)
30 EC 56345(a)(2)

14-3-2

The IEP must contain a description of:

- How the child's progress toward meeting the annual goals described in paragraph (2) of this section will be measured; and
- When periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.

Are goals developed for all areas of need identified as requiring specialized academic and/or functional support?

Does the IEP include a description of the manner in which the progress of the pupil toward meeting the Plan Review goals will be measured and when periodic reports will be provided to the parents.

- Are goals and objectives appropriate based on the student's identified needs in the assessments and present levels?
- Have goals been adjusted yearly based on student growth or adjusted to address lack of growth?
- 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 grade level standards?
- 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?
- Is there clear documentation of periodic reports on progress?

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Legal Citations:

34 CFR 300.320(a)(3)
EC 56345(a)(3)

14-4-1

The IEP should include a statement of the 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.

Does the IEP include descriptions of program modifications or supplementary aides and services that will be provided to enable the student to:

- 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?

- 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?

Legal Citations:

20 USC 1414(d)(1)(A)(i)(IV)
34 CFR 300.320 (a)(4)
EC 56345(a)(4)

14-4-2

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.

Were services planned to support:

- 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?

- Are services listed to address all goals?
- Are services sufficiently clear in how they will be provided to ensure informed consent from the parent?
- Are services reasonably sufficient in frequency and duration to support progress in the goals?
- Are goals designed to promote participation in general education?

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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.

Legal Citations:

34 CFR 300.320(a)(4)
20 U.S.C. 1414(d)(4)(A)(ii)(I),
EC 56345(a)(4)

The student file must document that the IEP was revised, as appropriate, to address any lack of expected progress toward the annual goals and in the general education curriculum.

14-5-1

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?

- 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.)?

Legal Citations:

34 CFR 300.324(b)(ii)(A)
EC 56343(b)

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.

14-6-1

Does the IEP include a direct relationship between:

- assessments and present levels of performance?
- present levels of performance and goals?
- goals and specific educational services to be provided?

Legal Citations:

5 CCR 3040(b)

- Was there a logical consistency between the assessment report, the student's present levels of academic achievement and functional performance, annual goals, and benchmarks/objectives (as appropriate), and services that will be provided?
- Was the "golden thread" broken on an area of identified need for the student?

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Records documentation, and interviews must indicate that the student with a disability had a free appropriate public education (FAPE) available to him/her.

Were any of the noncompliance items found above sufficient to constitute a denial of FAPE in the **current IEP**?

- Was the IEP developed to offer an educational program that is reasonably calculated to enable the student to make progress appropriate in light of the student's circumstances?
- Were the services provided in conformity with the IEP?
- Were services provided at no cost to the parents/student?

14-6-2

Legal Citations:

20 USC 1412(a)(1)
34 CFR 300.101
EC 56040