

*CADRE's 8<sup>th</sup> National  
Symposium  
October 2021*

# CRISIS RECALIBRATION PART 2

Restructuring the IEP



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# **CRISIS RECALIBRATION PART 2**

Restructuring the IEP

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Improving outcomes for  
students with disabilities.

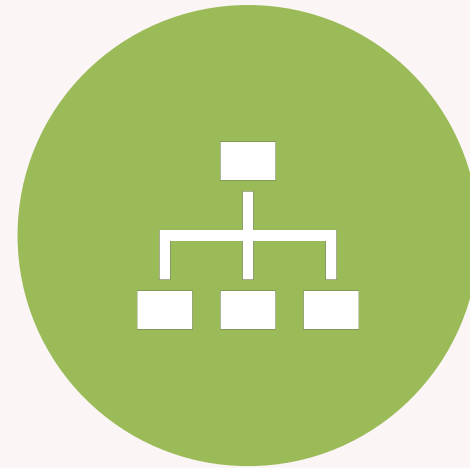


# RECAP

- **Rebuild the team!**
- Communicate
- Reconvene the team
- Openly discuss a student's current functioning, skill gaps, any needed IEP amendments, service delivery, and expectations.



AFTER YOU VERIFIED THE  
HEALTH OF YOUR TEAM,



**RESTRUCTURE**

01

Restructuring

# Restructure the IEP: Make it current.

**RECONVENE** the team.



**REVIEW** the IEP and educational needs.



**RESTRATEGIZE** to align services with current needs.



**REVISE** the IEP.

02

Recovene



# Reconvene

- Get the IEP team together, virtually, telephonically, or at the same table.
  - Elicit and gather current information.
  - Ask what additional information is needed to fully understand the student's current educational needs.
  - Develop a plan to gather information or conduct assessment.

# Review



Get a clear understanding of the student's CURRENT educational needs after a break in service.



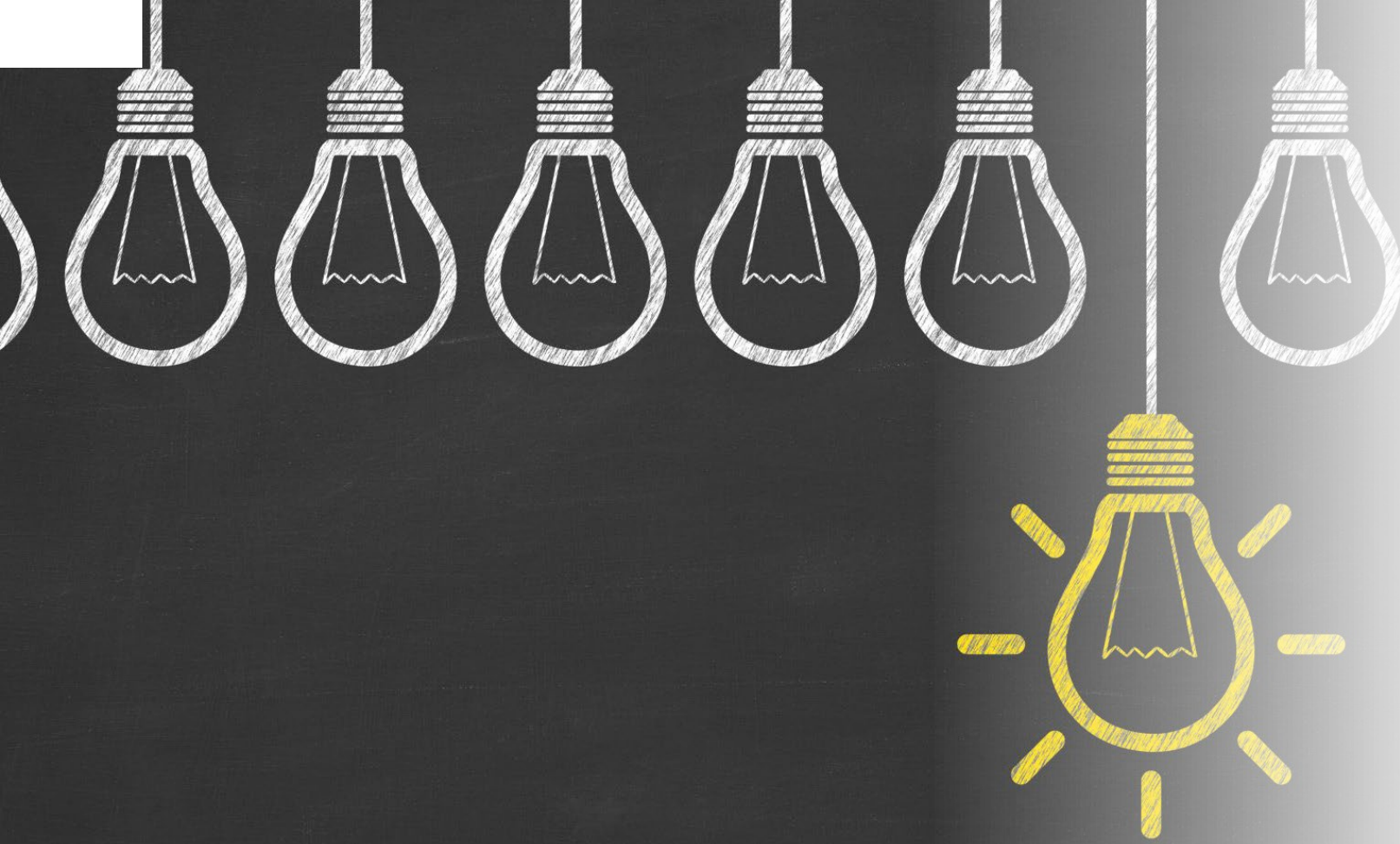
Probe, probe, probe.



Collect data on CURRENT educational needs.



Go back to a robust discussion on present levels.



# It all starts with a comprehensive evaluation.

- An evaluation under the IDEA serves two purposes:
- Identifying students who need specialized instruction and related services because of an IDEA-eligible disability; **and**
- Helping IEP teams identify the special education and related services the student requires.
- *71 Federal Register 46548.*

# Evaluation Wheel



- Be curious!
- Look at the whole child across multiple environments.
- What do we now know about this student?
- What do we need to know in order to provide FAPE?
- What are the NOW current educational needs of the student?

Remember...



# Present Levels

- 34 C.F.R. §300.320(a):
  - A statement of the child's present levels of academic achievement and functional performance, including—
    - How the child's disability affects the child's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled children); or
    - For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities.



# PRESENT LEVELS

More than just test scores!



## ACADEMIC AND FUNCTIONAL

Explain present levels of academic achievement and functional performance. What skills does the student currently have?

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## ACROSS ENVIRONMENTS

How does the student perform throughout the school day?

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## THE GENERAL CURRICULUM

How does the student's disability affect his/her involvement in the general curriculum?

PLAAFP

- Compared to the general curriculum



Skill Gaps

- Compared to standards



IEP Goals

- Unique for every student



# Goals are linked to skill gaps.

Annual measurable goals must be:

Based on the unique needs of a student.

Designed to help the student be successful in the general curriculum.

*34 C.F.R. §300.320(a).*

**RIGOROUS BUT REASONABLE!**

# 34 C.F.R. § 300.320(a)(2)

- A statement of measurable annual goals, including academic and functional goals designed to—
  - Meet the child's needs that result from the child's disability to enable the child **to be involved in and make progress in the general education curriculum**; and
  - Meet each of the child's other educational needs that result from the child's disability.

03

Restrategize

# Restrategize Services



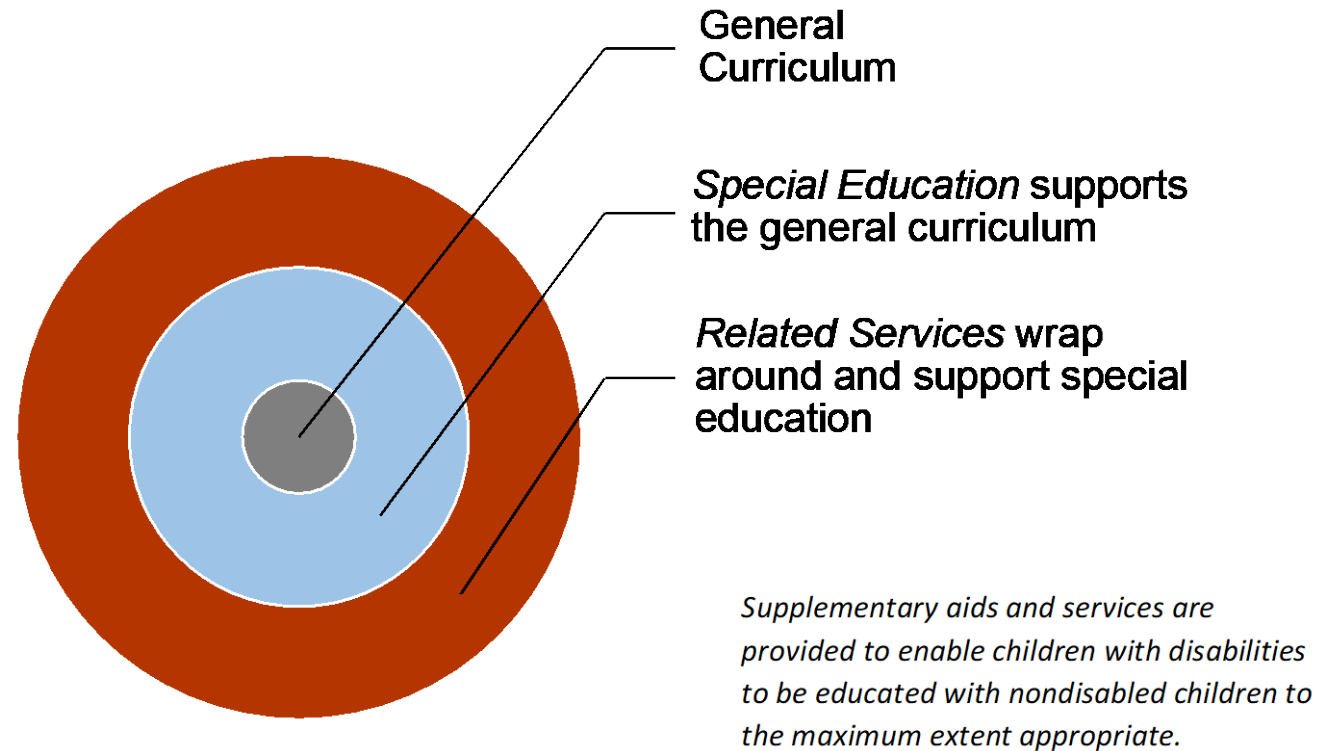
# Probe, probe, probe.

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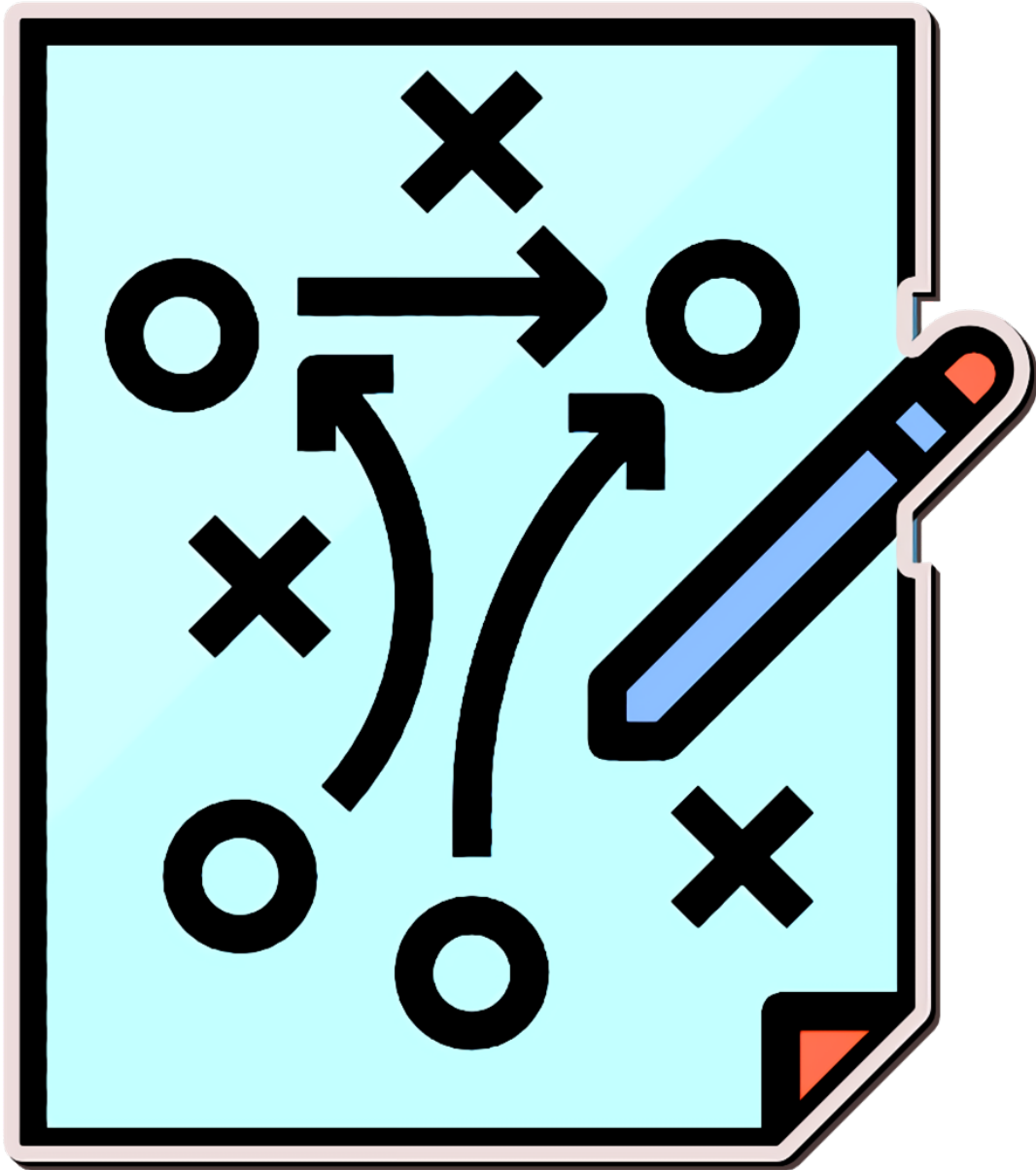
What services and supports does the student need to meet the IEP goals?

- **Be specific:** What special education service does the student need in order to --
  - Be involved in, AND
  - Make progress in the general curriculum, AND
  - Attain the goals in the IEP.

# SERVICES



# Restrategize LRE



## RESTRATEGIZE

- Ask what is the least restrictive environment where the student can be successful.
- Understand the difference between placement and location.





To the  
MAXIMUM  
EXTENT  
APPROPRIATE

ONLY IF regular  
classes with  
SUPPLEMENTARY  
AIDS & SERVICES  
cannot be  
achieved

ONLY IF no  
lesser  
restrictive  
option will  
work

ONLY IF no  
lesser  
restrictive  
option will  
work

ONLY IF  
education with  
NO PEERS is the  
ONLY OPTION



REGULAR  
CLASSROOM

SPECIAL  
CLASSES

SEPARATE  
SCHOOLS

RESIDENTIAL  
SETTINGS

HOSPITAL OR  
HOMEBOUND

# LEAST RESTRICTIVE ENVIRONMENT

The 3 maximums!



## EDUCATED WITH NONDISABLED

To the maximum extent appropriate, students with disabilities are educated with nondisabled children. *34 C.F.R. §300.114.*

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## EXTRACURRICULARS

To the maximum extent appropriate, ensure the student participates with nondisabled children in extracurricular activities. *34 C.F.R. §300.117.*

.....

## SUPPLEMENTARY AIDS & SERVICES

To the maximum extent appropriate, supplementary aids and services are provided to educate students with nondisabled peers. *34 C.F.R. §300.42.*



# Placement Decisions In Any Environment

- An educational program must be appropriately ambitious in light of the student's unique circumstances, just as advancement from grade to grade is appropriately ambitious for most children in the regular classroom.

*Andrew F. v. Douglas County Sch. Dist. RE-1, 69 IDELR 174 (2017).*

# Placements in a Virtual Environment

- In deciding whether and how to provide a child's special education services remotely during the pandemic, a district should address whether the method of delivering instruction will enable the child to receive FAPE.
- This may require conducting an assistive technology evaluation and considering whether the child's disability-related characteristics will make the proposed method of providing remote instruction unfeasible.
- The District Court reasoned that the district failed explain how delivering the child's Applied Behavior Analysis therapy and other services via a tablet would provide him FAPE.

*L.V. v. New York City Dep't of Educ.*, 77 IDELR 13 (S.D.N.Y. 2020).

## Restrategize



- Once you have a CLEAR picture of the student's current educational needs, *and*
- A clear plan for how to meet those needs,
- It is time to revise the IEP.

04

Revise

# By Recalibrating the IEP

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# Document the Changes

- The revisions must be documented.
  - A new annual IEP, or
  - An IEP amendment per 34 C.F.R. §300.324(a).





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## How will you know if its working?

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- **Data.** Collect and share data at a high frequency.
- Monitor **progress** toward IEP goals and **progress** in the general curriculum.
- Stay vigilant and communicate with parents.

# What is a reasonable amount of progress?

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- The team already determined a reasonable progress amount.
- Link to the measurable goals.
- **Rigorous.** Challenging. Targeted. Unique.
- **Reasonable.** How much of the skill gap can we expect to close?





LACK OF  
PROGRESS

# What happens if no progress occurs?

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The 4 Rs: RECONVENE, REVIEW, RESTRATEGIZE, & REVISE

- **Who?** The team.
- **When?** A reasonable amount of time.
- **Why?** If the IEP is not recalibrated, a denial of FAPE will result.

# UNEXPECTED PROGRESS

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# What happens if unexpected progress occurs?

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## The 4 Rs: RECONVENE, REVIEW, RESTRATEGIZE, & REVISE

- **Who?** The team.
- **When?** A reasonable amount of time.
- **Why?** If the IEP is not recalibrated, a denial of FAPE will result.



Once determined by the  
team,

Services must be provided in conformity with  
the IEP.

06

Resilient



# Resilient Teams



Good Faith



Student Focused



Forward Facing

# Compensatory Education vs. Recovery Service

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Things to think about.



## Compensatory Education

Term or art used as a remedy for violations in special education legal proceedings.

VS.



## Recovery Services

The term used to describe the provision of services missed due to COVID-19.

# Compensatory Education vs. Recovery Services

FAPE must be provided to meet the educational needs of the student,

AND

Recovery services may need to be provided to make up for missed service during the pandemic.

# Compensatory Education vs. Recovery Services

Where, due to the global pandemic and resulting closures of schools, there has been an **inevitable delay** in providing services - or even making decisions about how to provide services - IEP teams must make an individualized determination whether and to what extent compensatory services may be needed when schools resume normal operations.

*Supplemental Fact Sheet Addressing the Risk of COVID-19 in Preschool, Elementary, and Secondary Schools While Serving Children with Disabilities, 76 IDELR 104 (OSERS & OCR 2020).*

# Rebuilding

Through Good Faith Efforts



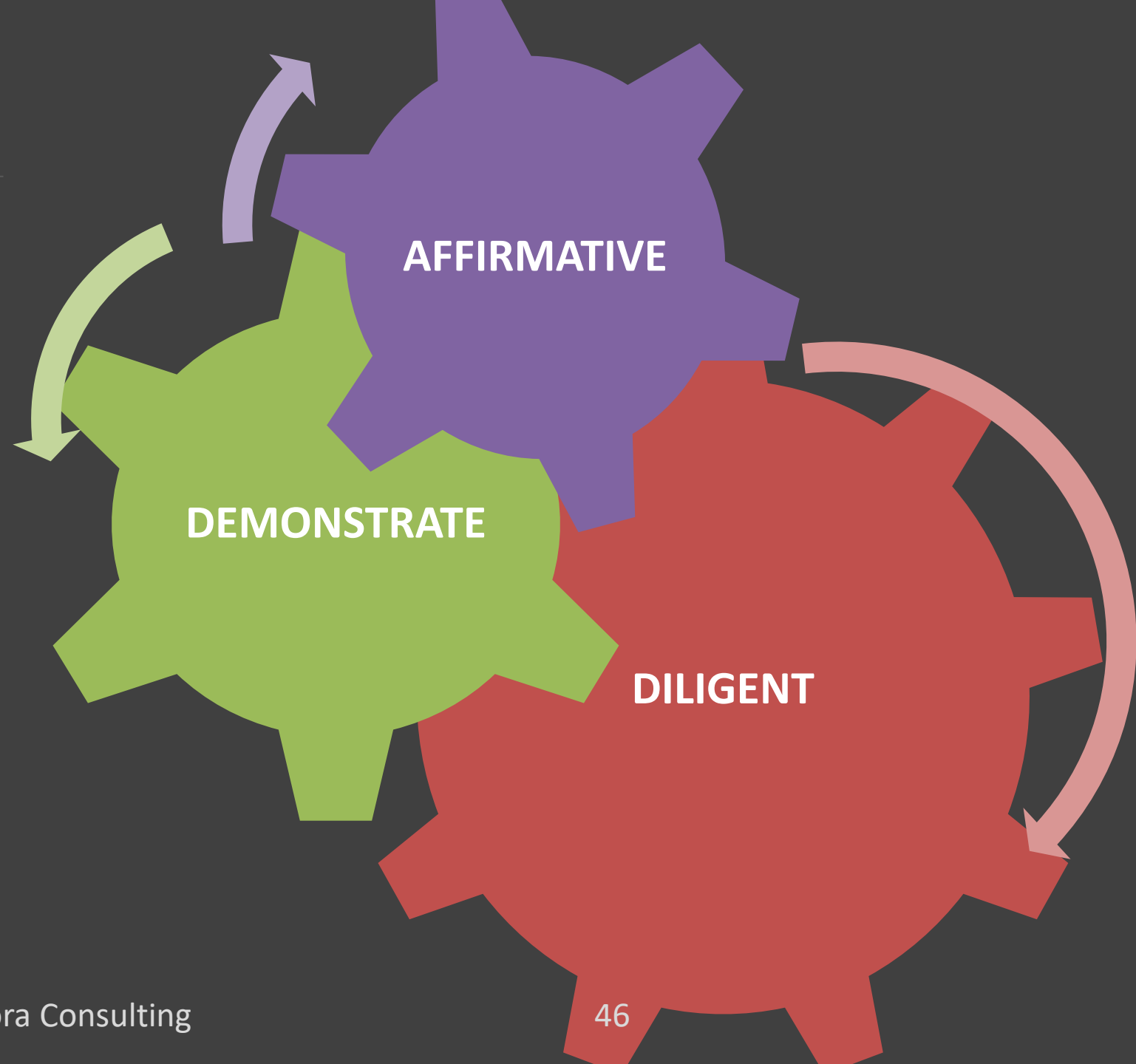
Diligent – Working diligently to achieve compliance.

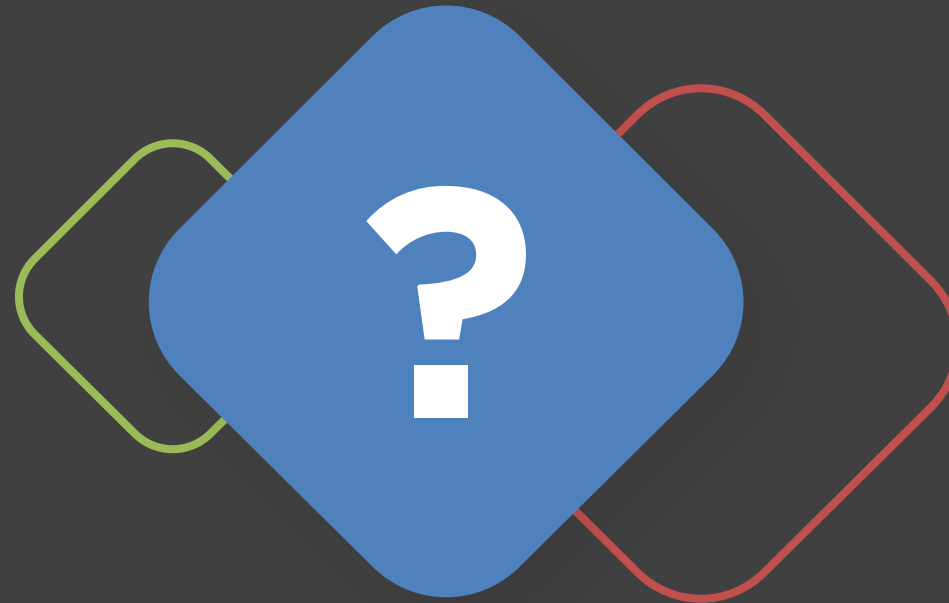


Demonstrable – Well documented clear actions.



Affirmative – Actively working vs. passively allowing circumstances to control.



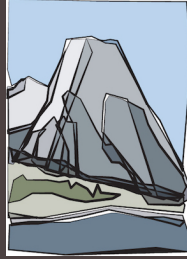


Questions?



Comments?

**THANK  
YOU**



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