These materials have two parts, both of which are adapted from a presentation I originally gave to the School Administrators of Iowa in February 2016. The first part is a framework for parents (pages 1-5), and the second part (with parallel questions) is an organizational self-assessment for school leaders (pages 6-10).

I. Special Education for Parents and Advocates: A Case Analysis Framework

1. “Are my children with struggles in any performance domain that might be attributable to a disability considered for a special education evaluation?”

   Authority: Iowa Admin. Code r. 281 — 41.111

   Answer:
   Evidence for my answer:
   If the answer is “yes,” what will I do to maintain this?
   If the answer is “no,” what will I do to correct and remedy this?
   If the answer is “unsure,” what additional information do I need to gather?

   Note: Not every child who is suspected of needing special education will be determined eligible; however, all are entitled to an offer to evaluate.

   Note: Educators can’t “wait until RTI is over.” If a child might need special education, the AEA shall seek consent to evaluate even if the RTI/MTSS process has not yet concluded. Letter to Anonymous, 19 IDELR 498 (OSEP 1992).

2. “Are all members of the IEP team present at all meetings of my child’s IEP meetings (or properly excused)?”

   Authority: Iowa Admin. Code r. 281 — 41.321

   Answer:
   Evidence for my answer:
If the answer is “yes,” what will I do to maintain this?
If the answer is “no,” what will I do to correct this?
If the answer is “unsure,” what additional information do I need to gather?

Note: Watch out for the “drive-by” IEP team participant (especially the general educator). If the general educator is not attending the full meeting, they must have been excused in writing. Iowa Admin. Code r. 281—41.321(5).

Note: For parents who are separated or divorced, do not have “Mom’s IEP meeting” and “Dad’s IEP meeting.” A child has one IEP team. Parents who cannot get along need to put the child first. If the parents are prohibited from being in the same room or on the same telephone call, use technology and work with agency counsel. See, e.g., IDEA State Complaint Decision, 27 D.o.E. App. Dec. 593 (2015). [https://www.educateiowa.gov/documents/appeal-decisions/2015/05/book-27-decision-593]

3. “Are all of my child’s IEP goals student-specific and individualized?”

Authority: Iowa Admin. Code r. 281—41.320(1)“b”

Answer:
Evidence for my answer:
If the answer is “yes,” what will I do to maintain this?
If the answer is “no,” what will I do to correct this?
If the answer is “unsure,” how can I move the needle to “yes”?

Brief test: Can you cut IEP goals out of IEPs and match them to the correct student, based on each student’s evaluation data and present levels of academic achievement and functional performance? (NOTE: This might require obtaining redacted IEPs from the school or AEA.)


4. “Do my child’s IEPs address all areas of student need?”

Authority: Iowa Admin. Code r. 281—41.320(1)“b”

Answer:
Evidence for my answer:
If the answer is “yes,” what will I do to maintain this?
If the answer is “no,” what will I do to correct this?
If the answer is “unsure,” how can I move the needle to “yes”?

Note: If a child has academic needs and behavior needs, does the child have academic and behavioral goals or services? If not, why not?

5. “Are all of my child’s IEP goals reasonably calculated to confer progress appropriate in light of my child’s circumstances?”


Answer:
Evidence for my answer:
If the answer is “yes,” what will I do to maintain this?
If the answer is “no,” what will I do to correct this?
If the answer is “unsure,” how can I move the needle to “yes”?

Note: While the law does not require maximization of potential, it requires more than “trifling” and “insignificant” goals and effort. C. B. v. Special Sch. Dist., 636 F.3d 981 (8th Cir. 2011).

Note: Endrew F. is available here: https://www.supremecourt.gov/opinions/16pdf/15.

Note: To what extent are goals and services “based on peer-reviewed research to the extent practicable”? Iowa Admin. Code r. 281—41.320(1)“e”. What evidence supports why the team has adopted a particular goal or strategy?

6. “Are all of my child’s IEP goals ‘aligned with’ Iowa’s academic content standards for all children?”

Authority: Iowa Admin. Code r. 281—41.39(3)“c”

Answer:
Evidence for my answer:
If the answer is “yes,” what will I do to maintain this?
If the answer is “no,” what will I do to correct this?
If the answer is “unsure,” how can I move the needle to “yes”?

Note: The degree of alignment will depend on the unique needs of each child; however, the default rule is complete alignment unless data suggest otherwise.
For a very useful federal guidance letter on this topic from November 2015, see

7. “Are all of my child’s IEP goals measurable and monitored?”

Authority: Iowa Admin. Code r. 281 — 41.320(1)“c”

Answer:
Evidence for my answer:
If the answer is “yes,” what will I do to maintain this?
If the answer is “no,” what will I do to correct this?
If the answer is “unsure,” how can I move the needle to “yes”? 

Note: The concept of a “SMART goal” is a useful tool to determine whether a behavioral goal and service or plan meets the Rowley standard. See, e.g., Pam Wright & Pete Wright, From Emotions to Advocacy: The Special Education Survival Guide (2d ed. 2008). A SMART goal is one that is specific, measurable, uses action words, realistic and relevant, and time-limited. Id. at 115-17.

Note: There must be operational agreement about the measured terms in each IEP goal. There is no place for vague, ill-defined goals. Compare “physical aggression” (clear) with “disrespect” (eye of the beholder). See, e.g., Iowa State Complaint Decision 14-01, 26 D.o.E. App. Dec. 390.

8. “Do IEP teams consider and make instructional changes when my child is not making progress?”

Authority: Iowa Admin. Code r. 281 — 41.320(1)“b”

Answer:
Evidence for my answer:
If the answer is “yes,” what will I do to maintain this?
If the answer is “no,” what will I do to correct this?
If the answer is “unsure,” how can I move the needle to “yes”? 

Note: While the IDEA does not guarantee goal attainment, see Lathrop R-II Sch. Dist. v. Gray, 611 F.3d 419 (8th Cir. 2010), the IDEA does require reasonable people to do reasonable things, including responding to a child’s lack of progress. The IDEA does not allow inaction in the face of a lack of progress. C.B., 636 F.3d 981.
Brief test: Select a child and review the child’s current IEP and an IEP from three years ago. Do you see evidence of growth, instructional changes, or both? If not, why not? What is your course of action? [H/T: Curt Systma]

9. “Is my child in the least restrictive environment ("LRE")?”


Answer:
Evidence for my answer:
If the answer is “yes,” what will I do to maintain this?
If the answer is “no,” what will I do to correct this?
If the answer is “unsure,” how can I move the needle to “yes”?

Note: The general education environment and LRE are related but are not synonymous.

Note: The general education environment is the default position. A child is to be removed from the general education environment if and only if necessary for the child to receive a FAPE. A child’s LRE is a right, not a reward.

Note: A child’s placement shall not be based on funding considerations. 20 U.S.C. § 1412(a)(4)(B).

10. “Is my child’s IEP and placement implemented as written?”

Authority: Iowa Admin. Code r. 281—41.17.

Answer:
Evidence for my answer:
If the answer is “yes,” what will I do to maintain this?
If the answer is “no,” what will I do to correct this?
If the answer is “unsure,” how can I move the needle to “yes”?

Note: Failure to implement an IEP may result in a finding that FAPE was denied. Neosho R-V Sch. Dist. v. Clark, 315 F.3d 1022 (8th Cir. 2003).

Note: Failure to implement an IEP may result in Board of Educational Examiners action. [http://www.boee.iowa.gov/board/orders/2015/15-117.pdf]
II. Special Education for School Leaders: An Organizational Self-Assessment Framework

1. “Are children with struggles in any performance domain that might be attributable to a disability considered for a special education evaluation?”

   Authority: Iowa Admin. Code r. 281—41.111

   Answer:
   Evidence for my answer:
   If the answer is “yes,” what will I do to maintain this?
   If the answer is “no,” what will I do to correct this?
   If the answer is “unsure,” how can I move the needle to “yes”?

   Note: Not every child who is suspected of needing special education will be determined eligible; however, all are entitled to an offer to evaluate.

   Note: You can’t “wait until RTI is over.” If a child might need special education, seek consent to evaluate even if the RTI/MTSS process has not yet concluded. Letter to Anonymous, 19 IDELR 498 (OSEP 1992).

2. “Are all members of the IEP team present at all meetings or properly excused?”

   Authority: Iowa Admin. Code r. 281—41.321

   Answer:
   Evidence for my answer:
   If the answer is “yes,” what will I do to maintain this?
   If the answer is “no,” what will I do to correct this?
   If the answer is “unsure,” how can I move the needle to “yes”?

   Note: Watch out for the “drive-by” IEP team participant (especially the general educator). If the general educator is not attending the full meeting, they must have been excused in writing. Iowa Admin. Code r. 281—41.321(5).

   Note: For parents who are separated or divorced, do not have “Mom’s IEP meeting” and “Dad’s IEP meeting.” A child has one IEP team. Parents who cannot get along need to put the child first. If the parents are prohibited from being in the same room or on the same telephone call, use technology and seek the advice of agency counsel. See, e.g., IDEA State Complaint Decision, 27 D.o.E. App. Dec. 593 (2015). [https://www.educateiowa.gov/documents/appeal-decisions/2015/05/book-27-decision-593]
3. “Are all IEP goals student-specific and individualized?”

Authority: Iowa Admin. Code r. 281—41.320(1)“b”

Answer:
Evidence for my answer:
If the answer is “yes,” what will I do to maintain this?
If the answer is “no,” what will I do to correct this?
If the answer is “unsure,” how can I move the needle to “yes”?

Brief test: Can you cut IEP goals out of IEPs and match them to the correct student, based on each student’s evaluation data and present levels of academic achievement and functional performance?


4. “Do IEPs address all areas of student need?”

Authority: Iowa Admin. Code r. 281—41.320(1)“b”

Answer:
Evidence for my answer:
If the answer is “yes,” what will I do to maintain this?
If the answer is “no,” what will I do to correct this?
If the answer is “unsure,” how can I move the needle to “yes”?

Note: If a child has academic needs and behavior needs, does the child have academic and behavioral goals or services? If not, why not?

5. “Are all IEP goals reasonably calculated to provide ‘progress appropriate in light of the child’s circumstances?”


Answer:
Evidence for my answer:
If the answer is “yes,” what will I do to maintain this?
If the answer is “no,” what will I do to correct this?
If the answer is “unsure,” how can I move the needle to “yes”?

Note: While the law does not require maximization of potential, it requires more than “trifling” and “insignificant” goals and effort. C. B. v. Special Sch. Dist., 636 F.3d 981 (8th Cir. 2011).

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Note: To what extent are goals and services “based on peer-reviewed research to the extent practicable”? Iowa Admin. Code r. 281—41.320(1)”e”. What evidence supports why the team has adopted a particular goal or strategy?

6. “Are all IEP goals ‘aligned with’ Iowa’s academic content standards for all children?”

Authority: Iowa Admin. Code r. 281—41.39(3)”c”

Answer:
Evidence for my answer:
If the answer is “yes,” what will I do to maintain this?
If the answer is “no,” what will I do to correct this?
If the answer is “unsure,” how can I move the needle to “yes”?

Note: The degree of alignment will depend on the unique needs of each child; however, the default rule is complete alignment unless data suggest otherwise. For a very useful federal guidance letter on this topic from November 2015, see https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/guidance-on-fape-11-17-2015.pdf.

7. “Are all IEP goals measurable and monitored?”

Authority: Iowa Admin. Code r. 281—41.320(1)”c”

Answer:
Evidence for my answer:
If the answer is “yes,” what will I do to maintain this?
If the answer is “no,” what will I do to correct this?
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Note: The concept of a “SMART goal” is a useful tool to determine whether a behavioral goal and service or plan meets the Rowley standard. See, e.g., Pam
Wright & Pete Wright, From Emotions to Advocacy: The Special Education Survival Guide (2d ed. 2008). A SMART goal is one that is specific, measurable, uses action words, realistic and relevant, and time-limited. Id. at 115-17.

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8. “Do IEP teams consider and make instructional changes when a child is not making progress?”

Authority: Iowa Admin. Code r. 281—41.320(1)”b”

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Note: While the IDEA does not guarantee goal attainment, see Lathrop R-II Sch. Dist. v. Gray, 611 F.3d 419 (8th Cir. 2010), the IDEA does require reasonable people to do reasonable things, including responding to a child’s lack of progress. The IDEA does not allow inaction in the face of a lack of progress. C.B., 636 F.3d 981.

Brief test: Select a child and review the child’s current IEP and an IEP from three years ago. Do you see evidence of growth, instructional changes, or both? If not, why not? What is your course of action? [h/t: Curt Sytsma]

9. “Is each child in the child’s least restrictive environment (“LRE”)?”


Answer:
Evidence for my answer:
If the answer is “yes,” what will I do to maintain this?
If the answer is “no,” what will I do to correct this?
If the answer is “unsure,” how can I move the needle to “yes”?

Note: The general education environment and LRE are related but are not synonymous.
Note: The general education environment is the default position. A child is to be removed from the general education environment if and only if necessary for the child to receive a FAPE.

Note: A child’s LRE is a right, not a reward.

Note: A child’s placement shall not be based on funding considerations. 20 U.S.C. § 1412(a)(4)(B).

10. “Is each child’s IEP and placement implemented as written?”

Authority: Iowa Admin. Code r. 281—41.17.

Answer:
Evidence for my answer:
If the answer is “yes,” what will I do to maintain this?
If the answer is “no,” what will I do to correct this?
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Note: Failure to implement an IEP may result in a finding that FAPE was denied. Neosho R-V Sch. Dist. v. Clark, 315 F.3d 1022 (8th Cir. 2003).

Note: Failure to implement an IEP may result in Board of Educational Examiners action. [http://www.boee.iowa.gov/board/orders/2015/15-117.pdf]