KSDE TASN Educational Benefit Review: Administrator Guide to the EBR

Purpose of the EBR

An Educational Benefit Review (EBR) is a structured process for in-depth examination of the supports and services that result in a free, appropriate public education (FAPE) for students with exceptionalities. The EBR process helps teams examine and identify characteristics of IEPs that increase student access, participation, and progress in general education. At the individual student level, an EBR provides a systematic examination of a student's current IEP to determine if the design is reasonably calculated to provide educational benefit. At the educational systems level, EBRs provide LEAs with a systematic process for evaluating the special education services being offered as well as the practices, policies and procedures used by educators. Information gathered through an EBR can be used to improve services, practices and outcomes for all students with exceptionalities.

Primary Goals of the EBR
- Evaluate provision of FAPE to <u>individual students</u> to achieve improved outcomes and inform teams of needed changes in programming for the student.

- Evaluate whether, <u>as a system, exceptional students within a district/LEA</u> are making progress and receiving appropriate educational programming.

Background

Every child with a disability is entitled to receive a free appropriate public education (FAPE). According to the Individuals with Disabilities Education Act (IDEA) 2004 "*Free appropriate public education or FAPE means special education and related services that*

(a) are provided at public expense, under public supervision and direction, and without charge;
(b) meet the standards of the SEA, including the requirements of this part;
(c) include an appropriate preschool, elementary, or secondary school education in the State involved; and
(d) are provided in conformity with an individualized education program that meets the requirements of §300.320 through §300.324 (20 U.S.C. 1401(9))."

FAPE is the foundation of special education services. Each student's Individualized Education Program (IEP) is the legal document that outlines those services and supports needed to ensure the student receives FAPE. When first designed federal law defined FAPE as special education and related services, however it did not provide a specific standard against which to measure FAPE. In 1982 the U.S. Supreme Court interpreted the FAPE mandate

in the *Board of Education of the Hendrick Hudson Central School District v. Rowley* case. The U.S. Supreme Court determined the purpose of FAPE was to provide students with disabilities instruction and services that *"permit the child to benefit educationally from that instruction*." At that time, the U.S. Supreme Court created and applied a two-prong test to determine whether an LEA had provided FAPE as required by the IDEA, which became known as the *Rowley Standard*. The first prong of the *Rowley Standard* is the procedural prong and involves determining whether a school has complied with the legal procedures of the IDEA. The second prong is considered the substantive prong and focuses on whether the IEP developed through the IDEA's procedures have been reasonably calculated to enable the student to receive educational benefit.

The Rowley "Two-Prong Test"

1. Has the Board/State complied with the procedural requirements of IDEA? (*Procedural Prong*), and

2. Is the IEP developed through IDEA's procedures reasonably calculated to enable the child to receive **educational benefit**? (*Substantive Prong*)

While it is relatively easy to determine whether a school has correctly followed the procedural prong of the special education process, it is more challenging to determine the substantive prong (i.e., whether an IEP was developed in a way that was reasonably calculated to provide educational benefit). Nonetheless, it is the substantive prong that is most meaningful for improved outcomes for students with exceptionalities. In 2017, the U.S. Supreme Court once again built on the *Rowley* substantive prong in *Endrew F. v. Douglas County School District Re-1* (137 S. Ct. 988). The Court set a single standard for educational benefit determining that "*a school must offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's unique circumstances*." Progress implies forward movement and data is the key to assessing whether forward movement has occurred. When considering whether a student has made progress, schools must be ready to either 1) show documented evidence (data) of progress, or 2) when there has been no progress the changes that were made to the services and supports in an effort to enable the student to make progress. The Court in the *Endrew F*. case also held that *"every child should have the chance to meet challenging objectives"*, and "*the adequacy of a given IEP turns on the unique circumstances of the child for whom it was created*".

The adequacy of any IEP is dependent on what has been documented in their written IEP. Only those services identified or described in the IEP can be considered in evaluating the appropriateness of an IEP. Oral agreements are not enforceable, so parents and school personnel must assure that IEPs are written carefully and accurately reflecting the decisions made at the IEP meeting. For all children with exceptionalities, their IEP team must individually determine the special education, related services, and supplementary aids and supports necessary for the child to advance appropriately toward challenging annual goals. They must also measure that progress and provide data that indicates progress is being made.

Far beyond reasons of compliance, it is important IEPs are well designed, well written, and monitored for progress. The IEP is the cornerstone of a quality education for all children with exceptionalities. If a parent or hearing officer were to ask a Director of Special Education, Principal, or Special Education Team how they reached the opinion that an IEP was reasonably calculated to result in student progress, would they be able to offer a cogent and reasoned explanation? Is there good evidence (data) about student progress? Do the goals match the documented needs in the IEP? Is there data to "prove" substantive benefit or defend the design of the IEP? Do IEP team members understand how the parts of an IEP fit together into a whole plan for an individual student? An EBR is a useful tool to help educators better understand the purposes and intent of IEP development so they can articulate a "*cogent and responsive explanation for their decisions that show the IEP is reasonably calculated to enable the child to make progress in light of his circumstance...*" (*Endrew F. v. Douglas County School District Re-1* 137 S. Ct. 988).

Benefits and Uses of the EBR

Through an EBR, teams make connections between programs designed for students with exceptionalities and the impact of those services. Teams analyze IEP sets, highlighting patterns at the system level and identifying adjustments that may be needed to a specific IEP. This learning can support better team communication, planning, and team responses to parental concerns and questions. Additionally, the EBR process can lead to a more collaborative approach to IEP development, enhanced understanding of how IEP components should align and connect, and better designed IEPs.

An EBR is equally helpful for Special Education Directors looking for a strategy to regularly self-assess and monitor IEPs. This level of analysis provides a structured review of IEPs that can be used to examine quality, aspects of the IEP process that may need to be addressed across the system, and helps to avoid cookie-cutter IEP development. Examining individual student level programming is important, however examining the overall system to determine areas of strength as well as areas of concern is critical for long-term program improvement. An EBR captures a snapshot of what is happening across an educational system and this information can be used to improve practices, procedures, and policies as they relate to all students with exceptionalities.

An Educational Benefit Review is useful for a variety of purposes, including:

- Analyzing services across a building/district/LEA to discover strengths and needs.
- Identifying areas of need in policy, practice, and/or procedure.
- Collecting data regarding the impact and quality of the IEP services being offered and implemented in a district/LEA.
- Preparing an individual IEP team for an annual IEP review.
- Supporting the transition of a student from one environment to another.
- Analyzing programming when progress has been limited for a particular student.
- Aiding teams when a parent shares a concern about their child.
- Building the capacity of staff as a professional development tool to improve the quality of IEP development.

Overview of the Process – The What, So What, Now What

Originally developed by the California Department of Education (Mearman, 2015), the EBR guides teams through a systematic process for examining IEP sets (typically three years of consecutive IEPs for a single student) to determine whether the design of the IEP was reasonably calculated to provide educational benefit. Some states have made this process an aspect of monitoring compliance, however it is a much more valuable tool when used proactively by LEA's as a strategy to improve programs and services for students with exceptionalities.

The What (Insight)

An EBR team begins by charting information directly from a student's IEP set. The purpose is for the team to document exactly what was recorded in the IEP and any supporting progress notes. Teams only record what is in the documentation and do not include information they may know about a student that was never documented. This is important because any information that would be used by a hearing officer would only include the data

that has been documented. For each of a student's three consecutive IEPs, a team charts the student's present levels of performance, needs, goals, services, supports and goal progress. This becomes the basis of for all decisions that will be made in determining educational benefit.

So What (Impact)

Once IEP information is charted, the team analyzes relationships within and across IEPs.   First the team looks for relationships within each IEP's components to determine if they are aligned, connected, and address all identified needs. Then, the team compares the most current IEP with prior IEPs to determine if decisions made were based on goal progress or lack of progress. The purpose is for the team to determine, based on what was documented, whether the most current IEP was designed to provide educational benefit using data evidence from the analysis.

Now What (Action)

 Based on what the team learns, they then identify important steps at both the individual student and the systems level. When multiple teams review a variety of IEP sets, patterns in how staff understand and document IEP information become evident. The purpose is to identify any IEP elements that should be reconsidered for an individual student and to identify needed changes for the overall system (e.g., are there professional development needs, guidance or support needs that should be addressed).

The Director's Role in Planning an EBR

As a Director of Special Education, you have a responsibility for ensuring each student with an exceptionality has an IEP that is reasonably calculated to provide educational benefit. To that end, one of the most important activities you can do is regularly review and monitor the development and implementation of students' IEPs. The EBR is an excellent tool for that purpose. By holding regular (2 to 4 times per year) EBR groups, a Director can identify and prioritize needs, gather data on district progress, and identify policy, practice, and/or procedures changes that are needed.

In planning an EBR, Directors should first consider their outcomes for holding the EBR. The Director may have a single purpose (e.g., to address an immediate concern about the legal IEP compliance and/or quality of an IEP), or may have multiple purposes (e.g., to collect data on the status of your district, advance a strategic goal to improve overall IEP quality, and/or educate others about the EBR process). The outcome(s) selected should guide decisions when planning an EBR, such as
- How many EBR teams will be needed?
- Who should be select to participate on each EBR team?
- Who will serve as the facilitator of each EBR team?
- When/what training will EBR team facilitators receive?
- Which IEPs will be selected for the EBR?
- Where the EBR will be held?
- How long will be needed for the EBR?

- What method teams will use to chart information?
- What will be communicated about the purpose of the EBR to teams?
- How the professionalism needed by teams as the dissect IEPs drafted by other professionals in your system will be communicated?
- How the action steps identified will be monitored to ensure the insights, impact and actions developed through the EBR process will be used?

The length of time needed for an EBR will also be based on your primary goal(s). If the Director is concerned with the LEA's IEPs and wants to collect data for action planning; a longer six-hour session may be most helpful. If the Director wants to help experienced staff better understand how IEP elements link together, a shorter three-hour session may be all that is needed. While structured, the EBR process is flexible and can be adapted to fit the needs of a district/LEA. A longer session may be broken into smaller sessions or once a team is familiar with the process, a facilitator might chart the IEP prior to meeting so the team can spend more time on analysis. It is recommended that the first time a team goes through an EBR, they have ample time to learn each step in the process. See Appendix A Document 1 for sample EBR Meeting Agendas.

Regardless of the desired outcome(s), teams of 4-6 members are needed for each IEP set that will be reviewed. To cover several students in one large EBR review session, several EBR review teams are needed. The following roles should be incorporated on each EBR review team:
- team facilitator to lead the group review
- special education teacher
- general education teacher
- person familiar with district special education programs/services (e.g., building principal, department chair, special education coordinator, LEA representative)
- any other appropriate individuals (e.g., school psychologist, speech pathologist, reading specialist, special education administrator) who can help a team consider how the results of the assessments and evaluation translate into measurable goals and specific programming.

Team selection considerations:
- The teacher who developed the current IEP typically would not be a part of that student's EBR review.
- While parents are an important part of the IEP process, a separate training and review process, for example partnering with Families Together would be recommended.
- Staff (reading specialist, school psych, SLP for example) who can help a team consider how the results of assessments and evaluation can translate into measurable goals and specific programming are helpful.
- If you will have teachers from another educational level (e.g., elementary teachers reviewing middle school IEPs) an individual familiar with services and programs at the student's level would be an important consideration.
- Make sure to include LEA representatives as they are key members on each IEP team .

There are a variety of approaches that may be used to select IEPs for an EBR review. Director's may choose to begin by selecting a random sample across levels, grades, and exceptionalities. Depending on their desired outcome(s), a Director might choose to focus on a particular grade level or exceptionality. The Director could choose IEPs that reflect a transitional period or sample IEPs from different teacher groups (e.g. experienced teachers, new teachers, IEPs from a specific building). While not necessary to conduct a review, IEP sets in which the oldest IEP is an evaluation year might be a consideration when wanting to help teams make connections from the evaluation team data through the IEP process. It is important to select IEP have

updated usable progress data evaluate the process of need identification through goal selection and service planning. It is also recommended that Director's select samples of IEPs that are representative of those commonly written in your schools and not sets that contain IEPs from other districts. EBR team members will need to understand why they were selected to participate as well as why the LEA has chosen to participate in the EBR. The value of this process hinges on the team's depth of sharing. When educators are unsure of their role or purpose it may limit their willingness to share. Directors will want to communicate how the district plans to use the data and EBR process and help teams understand this process is not a critic of a specific team or individual. Directors should remind teams that the process only looks at the documentation, which may or may not accurately reflect a student's program. This process is focused on making sure an LEA can defend (based on documentation) that a student's IEP was designed to provide educational benefit. That explanation should involve four key areas: present levels of academic achievement and functional performance, solid assessments and baseline data, measurable goals linked to documented needs and impact of disability, and progress monitoring data. See Appendix A Form 2   for the Director Planning Checklist.

Materials needed for the review process include:
- Facilitator guide;
- Copies of IEP sets/progress reports (each team needs copies of a different IEP set);
- Recording Method. (e.g., Chart Paper and colored markers; laptop and projector; google document and individual laptops);
- EBR Participant Handout; and
- EBR blank forms for team documentation.

Role of the EBR Team Facilitator

The primary role of the EBR team facilitator is to guide their EBR team during the collection and analysis of the educational information from a student's IEP set. An EBR is intended to be reflective rather than evaluative and the facilitator's role is to understand the EBR structure so they can keep their team focused and moving smoothly throughout the process. The structured protocol is designed to capture the dialogue that occurs during the EBR. Teams record information from IEPs and supporting documents onto charts and then examine connections; reflecting and recording their insights in terms of practices to keep and practices to change.

Conducting the Review

Before participating in an EBR, team members need some information about the process and its purpose, either at the same meeting or separately in preparation for the meeting. Remind all team members of the importance of professionalism and communication considerations as they dissect IEPs

drafted by other professionals in their system. This process is intended to help teams move beyond compliance to identifying practices that improve their services and systems. As such, it is not intended to be used to critic or evaluate a specific teacher/team.

Step 1: Charting IEP Information (<mark>Appendix B Form 1</mark>)

For each IEP, the EBR Team Facilitator ensures the following information is added to a chart or form:
- Student needs (with baseline data) from PLAAFPs, including needs related to
    - participation in general education
    - post-secondary outcomes
    - disability-specific needs
- Goals (and objectives if available)
- Accommodations and modifications
- Services and Placement
- Progress data from progress reports

- *Facilitator tips/suggestions for charting IEP information*
    - *Ensure team members copy verbatim phrases/key information from the IEP—Do not paraphrase or summarize in a manner that changes the meaning of what was documented.*
    - *Organize by area section across the chart (e.g., academic, social, physical) or content areas (ELA, Math, etc.) depending on IEP format.*
    - *Capture all progress data from progress reports.*
    - *In the other category, add additional information the review team considers relevant while reviewing the IEP (e.g., notes about IEP decisions/content, other documentation, questions, etc.). Teams might also add questions in this section that they will revisit later in the process.*
    - *Charting/Recording Options*
        - *While it is helpful for the team to see information displayed across IEPs, teams may choose to complete charting on a large wall chart, the example paper form (<mark>appendix B form 1</mark>), or electronically (e.g. a google form or other electronic display).*
        - *Facilitator (or recorder) charts input and information, as team members provide it verbally. The facilitator leads the review discussion and analysis.*
        - *Team members review different IEPs and add/summarize the content onto chart prior to full review team discussion lead by the facilitator.*
        - *Whole team reviews and charts the most current IEP together. Then teams are divided into groups to complete the other 2 IEPs separately prior to a full review team discussion lead by facilitator.*
        - *Charts may be prepopulated with IEP information for team members to review and discuss together.*
        - *Depending on the goals of the review, the level of experience of team members in reviewing IEPs, time constraints, number of IEP goals within reviewed IEPs, or other factors, the LEA may choose different approaches to completing the IEP review charts.*

Regardless of the option used, it is recommended that each participant have a copy of their own summary sheet to complete, a copy of the handouts to completing the chart, and an individual reflection sheet.

Figure 1: Sample IEP Information Chart, Blank

Educational Benefit Review Chart for IEP #1, 2, or 3 (circle)   Date of IEP_____
Student ID _____   Student Initials_____ Grade_____ Exceptionality_____

Present Levels of Educational Performance by Curriculum Areas	Impact on Progress in Curriculum Area	Annual Goals and Benchmarks/ Objectives including Accommodations	Service Delivery and Placement	Progress on Goals and Objectives
				Additional considerations/notes in the IEP?

Guiding Questions for Charting IEP Information Items: The EBR Team Facilitator may use the following questions to guide the review teams in pulling data from the IEP:

1. What are the present levels of academic and functional performance (PLAAFP) for the student? The PLAAFP should include good usable data (levels, scores, assessment results). Does the PLAAFP identify all the student's needs, including transition needs?
2. What are prioritized needs related to the child's exceptionality and identified in the PLAAFP? These are the needs that require specially designed instruction. Does the IEP document how they relate to and impact the student's involvement and progress in the general education curriculum?
3. What are the goals (or other supports) for each identified need? How were they selected (e.g., do they appear to be based on a logical sequence of critical skill development)?
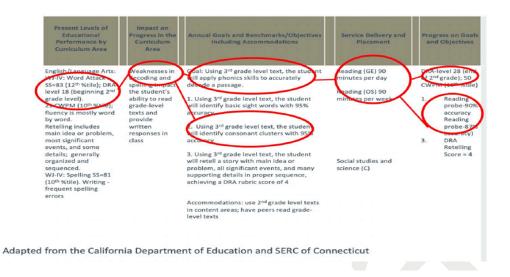
4. What are the services and supports planned (using frequency and duration) and the location of where they are they provided? These services are selected to support progress toward the goals, progress in the general education curriculum standards, participation in extracurricular activities, and participation with non-disabled peers.
5. What does the data from IEP progress reports (PR) indicate? Use the most recent PRs available.
6. Was progress on the goals noted within the progress reports reviewed? Use key to document.
   o 0 = No goal progress was documented for the progress reports reviewed
   o + = Some progress on the goals was documented in progress data reviewed
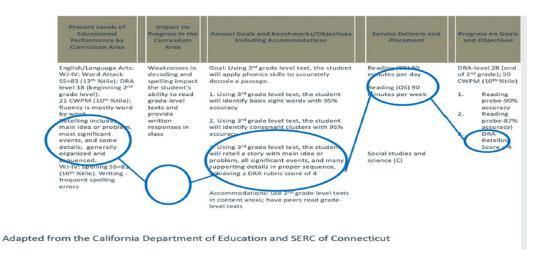   o - = Decline in progress was documented from progress reports reviewed

Step 2: Analyzing Information within Each IEP (Appendix Form 2)

Once all information has been documented, the facilitator leads the team in analyzing the relationships between IEP elements. The team considers each IEP separately; looking at alignment within each component to determine if there are clear relationships between needs, goals, and services, or whether there are gaps or broken chains. Using shapes, different colors, and lines, the review team analyzes and records relationships between components from column to column for each IEP. The team uses circles and lines to indicate the relationships. Boxes are used to indicate missing elements or misalignment.

- *Facilitator tips/suggestions for analyzing Information within each IEP*
  - o *Look at alignment within each IEP to determine if there are clear relationships between needs, goals and services. Are there gaps or broken chains across these elements?*
  - o *Information that is connected should be circled with a line drawn between the information connected across columns.*
  - o *Unconnected information (e.g., a need without a services) could be designated with a questions mark or empty circle.*
  - o *Use separate colors for each goal area and be consistent in color use across IEPs. This will visually help the review team track the same goal area across all IEPs.*
  - o *Look for patterns of progress or lack of progress across the years.*
  - o *Was the IEP adjusted? Why or why not? Is the review team able to determine?*

Figure 2: IEP Analysis

Present Levels of Educational Performance by Curriculum Area	Impact on Progress in the Curriculum Area	Annual Goals and Benchmarks/Objectives Including Accommodations	Service Delivery and Placement	Progress on Goals and Objectives
English/Language Arts: WJ-IV: Word Attack SS=83 (12th %tile); DRA level 18 (beginning 2nd grade level). 21 CWPM (10th %tile); fluency is mostly word by word. Retelling includes main idea or problem, most significant events, and some details; generally organized and sequenced. WJ-IV: Spelling SS=81 (10th %tile). Writing - frequent spelling errors	Weaknesses in decoding and spelling impact the student's ability to read grade-level texts and provide written responses in class	Goal: Using 3rd grade level text, the student will apply phonics skills to accurately decode a passage. 1. Using 3rd grade level text, the student will identify basic sight words with 95% accuracy 2. Using 3rd grade level text, the student will identify consonant clusters with 95% accuracy 3. Using 3rd grade level text, the student will retell a story with main idea or problem, all significant events, and many supporting details in proper sequence, achieving a DRA rubric score of 4 Accommodations: use 2nd grade level texts in content areas; have peers read grade-level texts	Reading (GE) 90 minutes per day Reading (OS) 90 minutes per week Social studies and science (C)	DRA-level 28 (end of 2nd grade); 50 CWPM (10th %tile) 1. Reading probe-90% accuracy Reading probe-87% accuracy) 3. DRA Retelling Score = 4

Adapted from the California Department of Education and SERC of Connecticut

Present Levels of Educational Performance by Curriculum Area	Impact on Progress in the Curriculum Area	Annual Goals and Benchmarks/Objectives Including Accommodations	Service Delivery and Placement	Progress on Goals and Objectives
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Adapted from the California Department of Education and SERC of Connecticut

Guiding Questions for Analyzing the Relationships Among Needs, Goals, Services, and Progress on an Individual IEP

1. Does the PLAAFP include usable data (levels, scores, assessment results) for each area? Does the PLAAFP identify all the student's needs, including transition needs?

2. What was the impact of the needs on the student's progress in general curriculum? Are the prioritized needs that require specially designed instruction and/or accommodations and modifications all addressed?

3. Do the goals (or other supports) align with the needs and impacts?

4. Are these services selected to support progress toward the goals and progress in the general education curriculum standards as well as participation with non-disabled peers?

5. What does the data from IEP progress reports (PR) indicate? This area is key in determining if student is receiving educational benefit. It should be noted that within a given year, some students will make progress on a goal, some will maintain or plateau, and others may even regress for various factors. The important issue is whether the IEP team took the status of progress into account for planning and responding, and then adjusted appropriately the IEP to develop a plan calculated to result in FAPE.

6. Additional Considerations section of the IEP: This is a place to add additional information the review team considered relevant in reviewing the IEP. For example, it may include notes regarding documentation of IEP team rationale regarding decisions made about IEP content found in the IEP.

7. What does the reviewer observe about the amount of progress made within the IEP year, quality of goals and progress data provided, or other important observations?

Step 3 Analyzing Information Across IEPs (Appendix B Form 3)

After completing Step 2 for each IEP, the review team then looks across the years (year 1 to 2 and 2 to 3) to consider the same questions. The team is trying to determine whether there is alignment across components and across IEPs, noting gaps, missing information, and broken connections. The review team also considers patterns of progress or lack of progress across years. If there was a lack of progress, was the IEP adjusted? If not, was the IEP team able to determine why? The facilitator queries the team to consider the relationships between IEP components across the three consecutive

years. One purpose of the year-to-year comparison is to establish whether there was an increase, decrease, or plateau in the student's a) level of performance and need. b) goals, c) programs, services, supplementary aids, accommodations, modifications and placement, and/or d) progress. In this step, the review team captures the results and patterns of their IEP analysis.

- ▢ *Facilitator tips/suggestions for analyzing Information across IEPs*
    - o *Use form 3 to guide the teams analysis. Select someone to be the team recorder and document the review team's conclusions on a blank form.*
    - o *Look at alignment across all IEPs to determine if there are clear relationships between needs, goals and services.*
    - o *Is there alignment across the columns for IEPs or are there gaps or broken chains?*
    - o *Use separate colors for each goal area and be consistent in color use across IEPs. This will visually help the review team track the same goal area across all IEPs.*
    - o *Look for patterns of progress or lack of progress across the years. When there was not progress, what did the team do?*
    - o *Was the IEP adjusted? Why or why not?*

Figure 3: IEP Summary Worksheet

Guiding Questions for Analyzing the Relationships Among Needs, Goals, Services, and Progress between IEPs (year 1 to year 2, year 2 to year 3):

1. When looking across IEPs, the team should consider whether the IEP (goals, services) adjusted from the previous year assisted the student to make progress?   Did the IEP team take the status of progress into account for planning and responding, and then adjusted appropriately the IEP to develop a plan calculated to result in FAPE.   Consider whether, within the course of the IEP, and also from year to year, adjustments were considered/discussed and made if needed, and how the team knows this occurred (where is the documentation)?
2. Does the succession of the goals make sense over time as the student progresses (e.g., For students taking DLM, do goals move from distal to proximal as the student improves?)
3. What does the team think about the amount of progress made?
4. Determine alignment – the relationship between two or more components (column to column and year to year)
5. Look for patterns of progress or lack of progress across the years.
6. Consider why items are included on one year and not on the other years. If an item disappears from one year to the next, why did it disappear?
7. Was the annual goal achieved?
8. Consider Progress Over Multiple IEPs – Key
    - 0 = No change from prior year. The goals, progress, and/or time in general education remained about the same from the previous IEP.
    - + = Increased complexity of goals, progress, and/or increased time with peers in general education setting from previous IEP is noted.
    - - = Decreased complexity of goals, decline in progress, and/or decreased time with peers in general education setting from previous IEP is noted.

Step 4 Analyzing Educational Benefit (Appendix B Form 4)

Using the review charts and summary sheet, the review team answers a final series of questions to determine if the student's most current IEP was reasonably calculated to enable the student to receive educational benefit and documents their rationale using specific references to data or IEP elements.

1. Based on the data and analysis, does the team feel this student's current IEP is reasonably calculated to provide educational benefit?
2. Did the IEP contain:
    - necessary information to address the specific needs and current performance levels for the student:

- appropriate goals and services attached to identified needs;
- evidence that the student is receiving sufficient support to progress toward annual goals; and
- clear relationships between needs, goals, and services?

3. What is the evidence that the IEP was reasonably calculated to result in educational benefit? Examples might include the following:
   (a) Assessed needs, quality goals, and specially designed supports and services are aligned within the IEP.
   (b) Multiple adjustments were considered, documented, and implemented if little/no goal progress was observed or if goals were met.
   (c) IEP documents increase regarding student's progress on goals, complexity of goals, increased time with general education peers, or other factors appropriate to the individual needs of the student.

▢ *Facilitator tips/suggestions for analyzing Information within each IEP*
   o *Use form 4 to guide the teams analysis. Select someone to be the team recorder and document the review team's conclusions on a blank form.*
   o *Document the teams determination of educational benefit.*
   o *Ask team to provide support for any determinations citing specific data or IEP elements.*

Figure 4: Analyzing Educational Benefit

Educational Benefit Review Student Summary Worksheet   Student ID [   ]   Student Initials [   ]   Primary Exceptionality [   ]

APPENDIX FORM D
EBR PROCESS STEP 4
INDIVIDUAL STUDENT SUMMARY ANALYSIS OF EDUCATIONAL BENEFIT

EBR Process Step 4: Analyzing Educational Benefit. Based on the data and analysis above, does the team feel this student's current IEP is reasonably calculated to provide educational benefit? Y/N   [   ]

Please provide support for your determination by citing cogent rationale with specific references to data or IEP elements relied upon in your decision in the text box provided below.

[text box]

Additionally, please note any suggestions for additional data or documentation outside of the materials reviewed and/or suggested actions that the team following up on this analysis might consider.

[text box]

Guiding Questions for Analyzing Educational Benefit:

1. Was the student's IEP reasonably calculated to result in FAPE?
   - If the goals were maintained but the student did not make progress, look for documentation of team's discussion/rationale for maintaining the same goal, and what other evidence is there to suggest educational benefit was provided.
   - Even if a goal does not change, what HAS been adjusted?
   - What is educational benefit for THIS student? How do we know? Did we provide it? Here they could look at either the last IEP written, or a preponderance from the three IEPs, to answer the questions
2. Did the IEP Team identify needs related to:
   - the student's ability?
   - involvement and progress in the general curriculum?
   - goals and objectives established in each need area?
3. Were services planned to support:
   - Progress toward goals?
   - Progress in the general curriculum?
   - Participation in extracurricular and other nonacademic activities?
   - Education with other students, both those who with and those with out disabilities?
4. Did the IEP team review the student's progress and adjust the student's IEP if progress was not made and/or to address anticipated needs?

Whole Group Reflection and System Analysis (Appendix B Form 5)

The last step in the EBR process is for the review team to reflect on what was learned and document any needed action steps. If the focus of the EBR is to evaluate the IEP of one specific student, the review team will conclude by documenting any needed changes/questions about that specific student's IEP and documentation in an action plan. When EBRs involve several review teams, their last step is to reflect on the process as a large group to gather information that can be used for system improvement. To do this, provide each review team member with a copy of the *EBR Participant Reflection Summary (appendix B form 5)* and ask them to make notes regarding what was learned at the student level, the team level, the system level, and their recommendations for next steps. A whole group facilitator then leads participants through the questions and documents the group's thinking regarding what was learned.

- *Facilitator tips/suggestions for whole group reflection and system analysis*
  o *Before any discussion, provide time for individual reflection using form 5.*
  o *Begin the discussion by asking each review group facilitator to share out a three-minute elevator speech about their group's findings.*
  o *Use form 5 to guide the group discussion.*

- o *Have someone record information shared.*
- o *Look for patterns across teams. Are there any specific aspects of the IEPs seen across groups that many need to be addressed?*
- o *What potential changes are needed at the student level?*
- o *What potential changes are needed at the policy, practice or procedure level?*
- o *What professional learning may be needed? Who needs the professional learning?*
- o *Ask review team members to think about how they might approach their role on an IEP team differently because of their participation in this process.*
- o *The goal is to create a few concrete examples of what an LEA/Team/Individual might do now or next, based on learnings from this process. Examples:*
  - ● *Identify individual student IEP adjustments that should be considered and follow up with LEA Representative or case manager to review recommendations.*
  - ● *Identify changes needed to district IEP procedures, policy, practice.*
  - ● *Identify need for additional professional development in writing IEPs.*
  - ● *Identify specific component(s) of the IEP that require targeted training, such as writing measurable goals, selecting goals based on appropriate skill progression, considering rate of learning in goals, or developing appropriate PLAAFPs with baseline data.*
  - ● *Identify individual or targeted building level training needs.*
  - ● *Identify potential revisions to IEP system format.*
  - ● *A principal could review goals prior to IEP meetings to determine if they have not been adjusted from the previous year.*
  - ● *The team may want to consider and review other evidence that the student has received educational benefit.*
  - ● *The District might decide to adjust the IEP form so that the needs, goals services and supports are organized by area*

Figure 5: Educational Benefit Review: Participant Reflection Form

Educational Benefit Review: Participant Reflection Form

STUDENT	1. What particular strengths or quality components did I see in the IEPs we reviewed today? 2. What particular concerns or areas for improvement in IEP components did I see in the IEPs reviewed today? 3. How would I describe the specially designed instruction students received? 4. What questions would I have for the team who drafted the IEP?	
TEAM	1. What is one thing I can do or think about differently during the next IEP meeting in which I participate? 2. What is one thing I learned, observed, or discovered in my own or my teams practices today? 3. What is one takeaway you have after your experience today about how our work impacts students? 4. What questions do I have about my own practice or procedures based on my experience today?	
SYSTEM	1. What specific practices did you note that should continue or be reinforced within our system? 2. What practices should be added or discontinued to improve alignment and quality of IEP development in our system? 3. What specific components of our IEPs need to be addressed through training, internal procedures, or forms? (And, please note which is needed.)	
NEXT STEPS	1. What next steps would you prioritize for our system after today? 2. Who would be responsible for this/these action steps? 3. What would the action step address within our system's IEP development?	

Guiding Questions for Whole Group Reflection

1. Student level
    - What strengths or quality components were seen in the IEPs?
    - What, if any, adjustments or revisions need to be made to this student's program?
    - What was the specially designed instruction this student received?
    - What questions would I have for the team who drafted the IEP?
2. Team Member level:
    - What is one thing I can do or think about differently at the next IEP meeting I participate in?
    - What is one thing I learned, observed, or discovered in my own or my team's practices today?
    - What is one takeaway you have after your experience today about how our work impacts students?
    - What questions do I have about my own practice or procedures based on my experience today?
3. System Level:
    - What are specific practices to continue?
    - What practices need to be added (in our system) to improve alignment of IEP development?
    - What areas of our IEPs need to be specifically addressed for improvement?
    - What should be our next steps?
4. Next Steps-"Now What?
    - What do we do with our learning?

Next Steps Action Planning

The long-term benefits of any EBR is dependent on how the information learned is used for improvement. Once an EBR session has concluded, the Director will want to schedule a time to reflect and create an action plan based on the information collected throughout the EBR. It may be helpful to pull together a smaller leadership team to review and prioritize recommendations from the EBR. Are there any individual IEP elements that need to be addressed? Were there patterns across teams? Do you want to look at other IEPs to see if you find similar patterns? Is there other data you want to evaluate/examine? Are there revisions needed to practice, procedures, or policies? What professional learning might be needed?

 Once you prioritize next steps, create a simple action plan. Action planning is a useful method for thinking about how you'll address needed changes efficiently. They provide an opportunity for reflection, bringing people together around an issue, clarifying outcomes, as well as building consensus and motivation.   An action plan should include at a minimum a) outline the priority issue(s) you want to address, b) identify action steps, c) identify the person/people who will be responsible, d) determine a timeline for each outcome, e) decide what resources/support may be needed, and f) determine how you will know the action steps have been successful in accomplishing your goals (See Appendix B Form 6).

For further information or TA support with Educational Benefit Review or any follow action steps, contact the Kansas Technical Assistance System Network (TASN) at https://www.ksdetasn.org/ and request assistance.

Appendix A

Document 1

Sample EBR Meeting Agenda – 3 hours

12:30	Overview of EBR Whole Group (15 min.)
12:45	Step 1 Charting IEP Information (1 hour)
1:15	Step 2 Analyzing Information within each IEP (35 min.)
1:50	Step 3 Analyzing Information across IEPs (30 min.)
2:20	Step 4 Analyzing Educational Benefit (30 min.)
2:50	Whole Group Reflection (40 min.)
3:30	Closing

Sample EBR Meeting Agenda – 6 hours

AM	PM
9:00 -Overview of EBR Whole Group and group practice (1 hr.)	11:45 – Lunch
10:00 - Step 1 Charting IEP Information (1.5 hour)	12:45 - Step 4 Analyzing Educational Benefit (1 hr.)
10:30 - Step 2 Analyzing Information within each IEP (45 min.)	1:45 – Break
	2:00 - Whole Group Reflection and action planning (1 hr.)
11:15 - Step 3 Analyzing Information across IEPs (30 min.)	3:00 - Closing

Sample EBR Meeting Agenda – 4 hours

8:00	Overview of EBR Whole Group (30 min.)
8:30	Step 1 Charting IEP Information (1 hour)
9:30	Step 2 Analyzing Information within each IEP (40 min.)
10:10	Step 3 Analyzing Information across IEPs (30 min.)
10:40	Step 4 Analyzing Educational Benefit (30 min.)
11:10	Whole Group Reflection (50 min.)
12:00	Closing

Document 2

Educational Benefit Review (EBR)
Director Planning Checklist

☐ Determine purpose for EBR review (e.g., system information, professional development, individual student review, etc.).

☐ Determine how many EBR teams will participate and timeframe for EBR meeting.

☐ Determine who will serve as facilitators for each EBR team.

☐ Determine who will participate on each EBR team. Each team should have 4 to 6 individuals representing:

- o Facilitator
- o Special Education Teacher
- o General Education Teacher
- o Person Familiar with District special education programs/services
- o Other appropriate individuals (e.g., principals, related service providers, transition coordinators, etc.)

☐ Arrange training for group facilitators on the process and its purpose(s) prior to the EBR.

☐ Set up and communicate training date for EBR review, including location and time (allow 3 to 6 hours for the EBR review). Determine who will facilitate the process and who will lead the reflection section of the meeting.

☐ Gather Materials needed:

- o Each EBR team will need:
  - ▪ an IEP student set (3 consecutive school year IEPs for each student with copies for all team members).

- Progress reports associated with the IEP student sets.

  o Visual Display

    - Chart Paper and Markers, or

    - Technology – computers, projectors, etc.

  o Participant Handouts

☐ Conduct the EBR

  o What needs to be communicated regarding the purpose of the EBR to your EBR team members?

  o How/when will you communicate the professionalism needed by teams as they dissect IEPs drafted by other professionals in your system?

☐ Determine when/how you will follow up on the insights, impact and actions developed through the EBR process.

Appendix B

Present Levels of Educational Performance by Curriculum Area	Impact on Progress in the Curriculum Area	Annual Goals and Benchmarks/Objectives Including Accommodations	Service Delivery and Placement	Progress on Goals and Objectives
English/Language Arts: WJ-IV: Word Attack SS=83 (12th %tile); DRA level 18 (beginning 2nd grade level). 21 CWPM (10th %tile); fluency is mostly word by word. Retelling includes main idea or problem, most significant events, and some details; generally organized and sequenced. WJ-IV: Spelling SS=81 (10th %tile). Writing – frequent spelling errors	Weaknesses in decoding and spelling impact the student's ability to read grade-level texts and provide written responses in class	Goal: Using 3rd grade level text, the student will apply phonics skills to accurately decode a passage. 1. Using 3rd grade level text, the student will identify basic sight words with 95% accuracy. 2. Using 3rd grade level text, the student will identify consonant clusters with 95% accuracy 3. Using 3rd grade level text, the student will retell a story with main idea or problem, all significant events, and many supporting details in proper sequence, achieving a DRA rubric score of 4 Accommodations: use 2nd grade level texts in content areas; have peers read grade-level texts	Reading (GE) 90 minutes per day Reading (OS) 90 minutes per week Social studies and science (C)	DRA-level 28 (end of 2nd grade); 50 CWPM (18th %tile) 1. Reading probe-90% accuracy Reading probe-87% accuracy) 3. DRA Retelling Score = 4

Adapted from the California Department of Education and SERC of Connecticut

Present Levels of Educational Performance by Curriculum Area	Impact on Progress in the Curriculum Area	Annual Goals and Benchmarks/Objectives Including Accommodations	Service Delivery and Placement	Progress on Goals and Objectives
English/Language Arts: WJ-IV: Word Attack SS=83 (12th %tile); DRA level 18 (beginning 2nd grade level). 21 CWPM (10th %tile); fluency is mostly word by word. Retelling includes main idea or problem, most significant events, and some details; generally organized and sequenced. WJ-IV: Spelling SS=81 (10th %tile). Writing – frequent spelling errors	Weaknesses in decoding and spelling impact the student's ability to read grade-level texts and provide written responses in class	Goal: Using 3rd grade level text, the student will apply phonics skills to accurately decode a passage. 1. Using 3rd grade level text, the student will identify basic sight words with 95% accuracy 2. Using 3rd grade level text, the student will identify consonant clusters with 95% accuracy 3. Using 3rd grade level text, the student will retell a story with main idea or problem, all significant events, and many supporting details in proper sequence, achieving a DRA rubric score of 4 Accommodations: use 2nd grade level texts in content areas; have peers read grade-level texts	Reading (GE) 90 minutes per day Reading (OS) 90 minutes per week Social studies and science (C)	DRA-level 28 (end of 2nd grade); 50 CWPM (10th %tile) 1. Reading probe-90% accuracy 2. Reading probe-87% accuracy) 3. DRA Retelling Score -4

Adapted from the California Department of Education and SERC of Connecticut

Present Levels of Educational Performance by Curriculum Area	Impact on Progress in the Curriculum Area	Annual Goals and Benchmarks/Objectives Including Accommodations	Service Delivery and Placement	Progress on Goals and Objectives
English/Language Arts: WJ-IV: Word Attack SS=83 (12th %tile); DRA level 18 (beginning 2nd grade level). 21 CWPM (10th %tile); fluency is mostly word by word. Retelling includes main idea or problem, most significant events, and some details; generally organized and sequenced. WJ-IV: Spelling SS=81 (10th %tile). Writing - frequent spelling errors	Weaknesses in decoding and spelling impact the student's ability to read grade-level texts and provide written responses in class	Goal: Using 3rd grade level text, the student will apply phonics skills to accurately decode a passage. 1. Using 3rd grade level text, the student will identify basic sight words with 95% accuracy 2. Using 3rd grade level text, the student will identify consonant clusters with 95% accuracy 3. Using 3rd grade level text, the student will retell a story with main idea or problem, all significant events, and many supporting details in proper sequence, achieving a DRA rubric score of 4 Accommodations: use 2nd grade level texts in content areas; have peers read grade-level texts	Reading (GE) 90 minutes per day Reading (OS) 90 minutes per week Social studies and science (C)	DRA-level 28 (end of 2nd grade); 50 CWPM (10th %tile) 1. Reading probe-90% accuracy 2. Reading probe-87% accuracy) 3. DRA Retelling Score = 4

Adapted from the California Department of Education and SERC of Connecticut

Educational Benefit Review Student Summary Worksheet   Student ID [＿＿＿＿＿]   Student Initials [＿＿＿]   Primary Exceptionality [＿＿＿]

APPENDIX FORM 3
EBR PROCESS STEP 3 : Analyzing Information Across IEPs.

After completing the relationships between information charted across columns for each IEP, the team considers the following and completes the year-to-year analysis section of the IEP Data and Review Chart. This step considers relationship within and between IEP components across three consecutive IEPs and the primary purpose is to establish whether the individual IEP components showed growth, decreased or stayed the same across IEPs.

IEP Date #1:	Goal 1	Goal 2	Goal 3	Goal 4	Goal 5	Follow-up Analysis	Yes/No & Explain
PLAAFP Y/N						Does PLAAFP describe needs and contain usable baseline data?	
Impact Y/N						Does IEP describe impact of exceptionality?	
Goal, Accomm, Mod Y/N						Do all goals address prioritized needs, include appropriate baseline data, and establish reasonable progress expectations for the student?	
Services & Placement Y/N						Are services and placement aligned with needs and designed to enable student to make progress toward goals and progress in general curriculum with non-disabled peers to the maximum extent appropriate?	
Progress Y/N						Did the student make progress on IEP goals, or, if not, was the IEP reviewed and revised as needed to address the lack of progress?	
IEP Date #2:	Goal 1	Goal 2	Goal 3	Goal 4	Goal 5	Follow-up Analysis Questions	Yes/No & Explain
PLAAFP Y/N						Does PLAAFPs describe needs and contain usable baseline data?	
Impact Y/N						Does IEP describe impact of exceptionality?	
Goal, Accomm, Mod Y/N						Do all goals address prioritized needs, include appropriate baseline data, and establish reasonable progress expectations for the student?	
Services & Placement Y/N						Are services and placement aligned with needs and designed to enable student to make progress toward goals and progress in general curriculum with non-disabled peers to the maximum extent appropriate?	
Progress Y/N						Did the student make progress on IEP goals, or, if not, was the IEP reviewed and revised as needed to address the lack of progress?	
IEP Changes Noted Between Years 0, +, -						0 No change from prior year. The goals, progress, and/or time in general education remained about the same from the previous IEP. + Increased complexity of goals, progress, and/or increased time w/ peers in general education setting from previous IEP noted. - Decreased complexity of goals, decline in progress, and/or decreased time w/ peers in general education setting from previous IEP noted.	
IEP Date #3: ＿＿＿＿	Goal 1	Goal 2	Goal 3	Goal 4	Goal 5	Follow-up Analysis Questions	Yes/No & Explain
PLAAFP Y/N						Does PLAAFPs describe needs and contain usable baseline data?	
Impact Y/N						Does IEP describe impact of exceptionality?	
Goal, Accomm, Mod Y/N						Do all goals address prioritized needs, include appropriate baseline data, and establish reasonable progress expectations for the student?	
Services & Placement Y/N						Are services and placement aligned with needs and designed to enable student to make progress toward goals and progress in general curriculum with non-disabled peers to the maximum extent appropriate?	
Progress Y/N						Did the student make progress on IEP goals, or, if not, was the IEP reviewed and revised as needed to address the lack of progress?	
ILP Changes Noted Between Years 0, +, -						0 No change from prior year. The goals, progress, and/or time in general education remained about the same from the previous ILP. + Increased complexity of goals, progress, and/or increased time w/ peers in general education setting from previous ILP noted. - Decreased complexity of goals, decline in progress, and/or decreased time w/ peers in general education setting from previous ILP noted.	

Educational Benefit Review Student Summary Worksheet   Student ID [   ]   Student Initials [   ]   Primary Exceptionality [   ]

APPENDIX FORM 4
EBR PROCESS STEP 4
INDIVIDUAL STUDENT SUMMARY ANALYSIS OF EDUCATIONAL BENEFIT

EBR Process Step 4: Analyzing Educational Benefit. Based on the data and analysis above, does the team feel this student's current IEP is reasonably calculated to provide educational benefit? Y/N   [   ]

Please provide support for your determination by citing cogent rationale with specific references to data or IEP elements relied upon in your decision in the text box provided below.

[   ]

Additionally, please note any suggestions for additional data or documentation outside of the materials reviewed and/or suggested actions that the team following up on this analysis might consider.

NOTE: The EBR Process is about whether the LEA is: "... able to offer a cogent and responsive explanation for their decisions that shows the IEP is reasonably calculated to enable the child to make progress in light of his circumstances..." *Endrew F vs Hendrick Hudson Central (2017)*

Educational Benefit Review Pilot; KSDE TASN Technical Assistance Team; Lincoln, Elena & Vicki Smith. Fall 2021 (Unpublished).

Educational Benefit Review: Participant Reflection Form

STUDENT	1. What particular strengths or quality components did I see in the IEPs we reviewed today? 2. What particular concerns or areas for improvement in IEP components did I see in the IEPs reviewed today? 3. How would I describe the specially designed instruction students received? 4. What questions would I have for the team who drafted the IEP?
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NEXT STEPS	1. What next steps would you prioritize for our system after today? 2. Who would be responsible for this/those action steps? 3. What would the action step address within our system's IEP development?

Participant Reflection Form. Educational Benefit Review Pilot: KSDE TASN Technical Assistance Team; Lincoln, Flora & Vicki Smith. Fall 2021 (Unpublished).

Draft 5/22

ADDITIONAL REFLECTIONS	What other takeaways or next steps would you like to share today?	

Form 6

Next Steps: Actions Plan

Educational Benefit Review Follow-Up
School/District: _____   **Date Next Steps Form Written:_____**

Team _____

Action Planned What?	Responsible Person(s) Who?	Timeline When?	Resources/Support Needed	Results So What?