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Legal Framework: Annual Goals

Category: Admission, Review, and Dismissal Committee

Template update Oct 2016

Several commenters asked the U.S. Department of Education to state that not every [individualized education program] IEP must include a statement about the child's "functional performance" and "functional goals." The U.S. Department of Education pointed out that the language is in the statute, and therefore, cannot be omitted. Thus the IEP must always include a statement of "the child's present levels of academic achievement and functional performance." 71 Fed. Reg. 46662 (August 14, 2006).

"It is not necessary to include a definition of 'functional' in these regulations because we believe it is a term that is generally understood to refer to skills or activities that are not considered academic or related to a child's academic achievement. Instead, 'functional' is often used in the context of routine activities of everyday living." 71 Fed. Reg. 4661 (August 14, 2006).

"The Act does not require goals to be written for each specific discipline." 71 Fed. Reg. 4662 (August 14, 2006).

"For example, if the IEP Team has determined that a student needs speech and language therapy services as a component of [free appropriate public education] FAPE, the IEP must include goals and objectives that address the student's need to develop and/or improve communication-related skills. It would not be necessary, however, to label the goals and objectives as 'speech therapy' goals and objectives. Therefore, if the IEP includes goals and objectives which appropriately address the student's need to develop communication-related skills, no additional or separate 'therapy' goals and objectives would be required." OSEP Letter to Hayden (October 3, 1994).

"[The Act] requires an IEP to include benchmarks or short term objectives for children with disabilities who take an alternate assessment aligned to alternate achievement standards. This would apply to preschool children and children with disabilities in kindergarten through grade two only if these children are assessed in a State or district-wide assessment program and the State has opted to develop an alternate assessment based on alternate achievement standards." 71 Fed. Reg. 46663 (August 14, 2006).

"Although the final Part B regulation requires that IEPs must include a description of benchmarks or short-term objectives only in the IEPs of students with disabilities who take alternate assessments aligned to alternate achievement standards, the regulation does not specify what years the IEPs of students who take alternate assessments aligned to alternate achievement standards must include a description of benchmarks or short-term objectives. [Office of Special Education Programs] OSEP believes, at a minimum, Part B requires States and public agencies to require a description of benchmarks or short-term objectives in the IEPs of students with disabilities who take alternate assessments aligned to alternate achievement standards during the years that the students take an alternate assessment." OSEP Letter to Kelly (August 24, 2007).

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"Based on the interpretation of 'general education curriculum' set forth in this letter, we expect annual IEP goals to be aligned with State academic content standards for the grade in which a child is enrolled. This alignment, however, must guide but not replace the individualized decision-making required in the IEP process. In fact, the [Individuals with Disabilities Education Act] IDEA's focus on the individual needs of each child with a disability is an essential consideration when IEP Teams are writing annual goals that are aligned with State academic content standards for the grade in which a child is enrolled so that the child can advance appropriately toward attaining those goals during the annual period covered by the IEP. In developing an IEP, the IEP Team must consider how a child's specific disability impacts his or her ability to advance appropriately toward attaining his or her annual goals that are aligned with applicable State content standards during the period covered by the IEP. For example, the child's IEP Team may consider the special education instruction that has been provided to the child, the child's previous rate of academic growth, and whether the child is on track to achieve grade-level proficiency within the year."

OSERS Dear Colleague Letter (November 16, 2015).

"In a case where a child's present levels of academic performance are significantly below the grade in which the child is enrolled, in order to align the IEP with grade-level content standards, the IEP Team should estimate the growth toward the State academic content standards for the grade in which the child is enrolled that the child is expected to achieve in the year covered by the IEP. In a situation where a child is performing significantly below the level of the grade in which the child is enrolled, an IEP Team should determine annual goals that are ambitious but achievable. In other words, the annual goals need not necessarily result in the child's reaching grade-level within the year covered by the IEP, but the goals should be sufficiently ambitious to help close the gap." OSERS Dear Colleague Letter (November 16, 2015).

"The Act does not require goals . . . to have outcomes and measures on a specific assessment tool." 71 Fed. Reg. 46662 (August 14, 2006).

"The regulation at 34 CFR § 300.320(a)(2)(ii) specifies that the IEPs of children who take alternate assessments aligned to alternate achievement standards must include a description of benchmarks or short-term objectives, but there is no specific IDEA requirement for reporting to parents on every child's progress in meeting these benchmarks or short-term objectives. Therefore, whether reporting on benchmarks or short-term objectives is necessary to meaningfully report on progress toward meeting the annual goals must be determined on a case-by-case basis. While not specifically required by the IDEA, there may be some children participating in the alternate assessment aligned to alternate achievement standards for whom reporting on the progress in meeting the benchmarks or short-term objectives included in the child's IEP is the appropriate way to report meaningfully to parents on that child's progress in meeting the annual IEP goals. However, this is a matter that IDEA leaves to the discretion of the IEP Team." OSEP Letter to Lenz (February 7, 2014).

"Report cards and quarterly report cards are used as examples in 300.320(a)(3) of when periodic reports on the child's progress toward meeting the annual goals might be provided. The specific times that progress reports are to be provided to parents and the specific manner

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and format in which a child's progress toward meeting the annual goals is reported is best left to State and local officials to determine." 71 Fed. Reg. 46664 (August 14, 2006).

Application Guidance

- <u>IEP Annual Goal Development Question & Answer Document</u> (TEA & AGC Network)
- IEP Goal Development in Texas Online Training (Region 20 ESC)
- Standards-Based Individualized Education Program Guidance (TEA)
- Texas Essential Knowledge and Skills (TEKS) (TEA)
- A Seven-Step Process to Creating Standards-Based IEPs (OSEP)
- Standards-Based IEP—Implementation Update (NASDSE)
- <u>Standards-Based IEP Examples</u> (NASDSE)

Through the implementation of the Goose Creek CISD policies and procedures as outlined in the <u>Legal Framework</u> for the Child-Centered Special Education Process, the Goose Creek CISD ensures the IEP of each child with a disability includes a statement of measurable annual goals as required by the IDEA and its accompanying federal regulations, state statutes and regulations. The Goose Creek CISD further ensures that the IEP of each child with a disability includes a description of how progress will be measured and how reports of progress will be provided as required by the IDEA and its accompanying federal regulations, state statutes and regulations.

PERSONS RESPONSIBLE: Case Managers and Program Coordinators

TIMELINES: 2020-2021

MATERIALS: eSped forms to include Goals and Objectives

METHODS: CSI: Standards Based IEPs Training

Annual ARD Preparation

At the start of the year, case managers should create a report from eSped that delineates when all of the annual ARDs are due for students on their caseload. The notification of the actual date of the ARD will come from an Outlook invitation, generally from the campus clerk or ARD facilitator or Campus Evaluator (Diagnostician).

In order to prepare for the annual ARD date, many items need to be completed 2-3 weeks prior to the annual ARD. Case managers should complete the following:

- Complete the Universal Screener for updated academic levels
- Request feedback from general education teachers
- Contact the parent(s)/guardian(s)/adult student to gain their input
- Meet with counselor to confirm credits, graduation plan and 4 year plan

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(SECONDARY)

 Meet with the student to discuss current accommodations and modifications, transition services and course selection for upcoming the year (SECONDARY)

Once all of the above is collected, the case manager should start to prepare ARD documents in ESPED. Case managers are responsible for drafting the PLAAFP, IEP goals and objectives, Behavior Intervention Plans (in collaboration with LSSP), accommodations, supplements (as appropriate), and for SECONDARY case managers this includes transition information and coordinated set of activities. All items should be drafted in ESPED at least 5 days prior to the date of the meeting. The drafted accommodations, goals and objectives should be sent home in advance for parent input.

The day of the ARD, case managers should attend with the following material ready to review:

- Teacher input
- Transition information (SECONDARY)
- Progress updates on current goals/objectives
- Draft of the PLAAFP
- Draft goals/objectives/accommodations
- A printed copy of discipline record, attendance, grades, current schedule
- Work Samples

Case managers should play an active role throughout the ARD meeting. Special Education teachers should be prepared to discuss all of the above. If a case manager is not prepared for the ARD, the Campus Evaluator or Campus Administrator may decide to cancel the meeting.

After the ARD, case managers need to ensure all service providers have an updated copy of the newly accepted accommodations/modifications, goals/objectives and BIP. It is also important to obtain signatures on a new verification of receipt for those items.

Annual ARD meetings must take place at least once per year, on or before the date of the last annual ARD. There are times that an ARD needs to take place outside of the annual. It is the case manager's responsibility to request those meetings. When a student's PLAAFP changes that results in a change in services, schedule, etc... an ARD may need to occur. If a student experiences a lack of expected progress, the case manager is required to request a Review ARD.

Establish Goals and Objectives 34 CFR § 320.(a)(2)

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What is it that we want the child to know, understand, and be able to do a year from now?

- Present proposed goals and objectives
- Discuss supplementary aids and services
- Accommodations
- Supplementary Aids and Services
- Discuss Intensive Program of Instruction needs, if applicable (under the SSI requirements)
- Determine State Assessment and need for accommodations
- Determination of types of District-Wide Assessments and need for accommodations
- Complete LPAC Supplement (if applicable) and discuss justifications

SPECIAL EDUCATION TEACHER / SERVICE PROVIDER RESPONSIBILITIES

ARD Meetings

The special education teacher is responsible for the following in the ARD process (if there are multiple special education teachers involved, the special education case manager should ensure these steps are completed:

Prior to the ARD

- 1. Draft the Present Levels of Academic Achievement and Functional Performance (PLAAFP) in the ESPED system. If there are multiple special education teachers involved, the Special Education Case manager should gather information from all teachers and input the PLAAFPs. The critical part of the PLAAFP section is to ensure that the ARD committee has meaningful and current data to assist in writing appropriate IEP goals and objectives.
- 2. Prepare the draft IEP measurable annual goals in SE IEP Goals, based on appropriate evaluation (remember the general education teacher(s) to the extent appropriate, should participate in the development, review, and revision of the student's IEP).
- 3. Send draft IEP goals/objectives to the parent at least one week prior to ARD meeting (if there are multiple special education teachers involved, the special education case manager should coordinate this effort).
- 4. Use the information in the State Assessment area in Section 4 of the Special Education Handbook to decide upon a recommendation for all applicable state

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- assessments required for the student's grade level. Even if the recommendation is that the student will not take the state assessment, a recommendation should be prepared along with relative data to support the recommendation.
- 5. Decide which academic and supplementary supports will be recommended to the ARD Committee. This recommendation should be prepared along with relative data to support the recommendation.

After the ARD

- The Special Education Case Manager should ensure that each teacher who
 provides instruction to a student with disabilities receives a copy of the
 student's current IEP and that each teacher be informed of specific
 responsibilities related to implementing the IEP, such as goals and objectives,
 as well as needed accommodations, modifications, and supports for the child.
- 2. Obtain signed documentation from the general education teachers that they have received relevant sections of the student's IEP, such as goals and objectives, and of needed accommodations, and supports for the child for the list of special education students they instruct. A receipt for accommodations and/or modifications should be used to document the General Education Teacher's receipt of this information. Electronic copies of the pertinent ARD documents may be send with a "read receipt". However, this may not take the place of a meeting with the general education teacher to review the paperwork to ensure accommodations/modifications are clear and the teacher understands how to implement them.
- 3. Assist general education teachers who are involved in the student's instruction to maintain documentation that they are modifying and/or accommodating educational programs of students as specified in the ARD. The documentation of accommodations and/or in-class support should be turned in to the Special Education Department Head at the end of each six weeks. The Case Manager should be checking to ensure the documentation for each student is turned in at the end of each six weeks. (See Appendix for copy of Accommodation Log, In-Class Support and the instructions for each form).

Update IEP Goals & Objectives

- 1. Ensure that the IEP Goals & Objectives and Progress Report are updated in ESped.
- 2. Send an updated copy of the IEP Goals & Objectives and Progress Report to the parent as indicated on the IEP Goals & Objectives page.
- 3. Provide the Diagnostician/ARD Facilitator with a copy of updated goals and

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objectives for the current school year. These are to be uploaded into ESped.

FAQ

Who is responsible for collecting progress-monitoring data for students served in a general education setting?

Each student is assigned a case manager. The case manager is responsible for collecting all documents related to progress to include data logs/charts, accommodation logs, etc. at the end of each progressing 6-weeks reporting period.

If a student is in general education setting all day, what happens if there are multiple implementers on a goal? Who is responsible for documenting the progress on goals and objectives?

All implementers should collaborate to discuss the implementation of the IEP and how documentation will be collected. The special education case manager assigned to the student is ultimately responsible for gathering all data logs and updating progress on the IEP into eSped at the end of each progressing 6-weeks reporting period.

If a student is in a special education setting, what happens if there are multiple implementers on a goal? Who is responsible for documenting the progress on goals and objectives?

All implementers should collaborate to discuss the implementation of the IEP and how documentation will be collected. The special education case manager assigned to the student is ultimately responsible for gathering all data logs and updating progress on the IEP into ESped at the end of each progressing 6-weeks reporting period.

Who is responsible for gathering data/documentation logs from paraprofessionals that provide support to students in the general education setting?

The case manager is responsible for collecting all documents related to progress to include data logs/charts, accommodation logs, etc. from the paraprofessional at the end of each progressing

6-weeks reporting period. The case manager needs to collaborate with the general

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education teacher prior to updating IEP progress in ESped.

Who is responsible for gathering data/documentation logs from paraprofessionals that provide support to students in the special education setting (resource, specialized program)?

The case manager is responsible for collecting all documents related to progress to include data logs/charts, accommodation logs, etc. from the paraprofessional at the end of each progressing

6-weeks reporting period.

The case manager needs to collaborate with the any other special education teachers to gather all data prior to updating IEP progress reports in eSped.

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