



**COMPLETE
UPDATES
for
IDEA 2004**

*Writing
Measurable
IEP
Goals and
Objectives*

Barbara D. Bateman and Cynthia M. Herr

IEP



RESOURCES



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Preface	6
Part I: About GO/Bs (Goals and Objectives/Benchmarks /Progress Markers)	9
IDEA 2004	10
Measurability.....	14
Measurable.....	16
Non-measurable	20
Vagueness/Specificity.....	24
Almost Measurable.....	27
Myths of Measurability	29
Question/Answers.....	31
From Appendix C	32
From Appendix A	34
Part II: Writing Goals and Objectives	39
Introduction	40
GO/Bs in Perspective	42
The Writing Process	43
Present Levels of Performance	46
Writing Goals and Objectives/Benchmarks/Progress Markers.....	48
A Quick Review — PLOPs.....	52
Writing Measureable GO/Bs	52
A Quick Review — Goals	54
Factors in Projecting the Annual Goal.....	54
Moving the Child's Performance from PLOP to Goal.....	56
Putting the PLOP — Objectives/Benchmarks — Goals on the Form.....	57
Form #1 — PLOP — Goal	59
Form #2 — PLOP.....	60
Part III: Sample Best Practice PLOPs, Objectives, Goals	63
Matrix of PLOPs/Objectives/Goals.....	65
75 Sample PLOPs, Objectives, Goals.....	66-140

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Barbara Bateman, Ph.D., J.D. is a nationally recognized expert in special education and in special education law. She has taught special education students in public schools and institutions, conducted research in learning disabilities, assessment, visual impairments, mental retardation, attitudes toward people with disabilities, and effective instruction for children with disabilities. She joined the faculty of the special education department at the University of Oregon in 1966

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She has authored over 100 professional articles, monographs, chapters and books. Dr. Bateman graduated from the University of Oregon School of Law in 1976, the year before the federal special education law (then called P.L. 94-142 and now known as IDEA) went into effect, and since then has worked in all 50 states, serving as a hearing officer, an expert witness, a consultant to attorneys and agencies, a speaker and a teacher of special education law. Presently, Dr. Bateman is a special education consultant in private practice.

When not writing, conducting in-service education for school districts, providing assistance to parents of children with disabilities, consulting with attorneys involved in IDEA legal actions, Dr. Bateman can be found traveling the world with binoculars and snorkel in search of birds, fish, and shells.

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Dr. Herr is an assistant professor and Research Associate in the Department of Special Education at the University of Oregon and has been in the field of special education for 30 years. Currently, she is the program director for the Secondary Special Education Teacher Training program at the University of Oregon and has coordinated it for the past 17 years.

Dr. Herr has written and been involved in a number of federal grant projects in the area of secondary special education.

She is currently the co-director of Project AIM, which trains secondary special education teachers to administer Oregon's alternate assessments, designed as alternates to required statewide tests of achievement. In addition to grant work, Dr. Herr teaches courses in the special education department including Law and Special Education.

Throughout her career, Dr. Herr has specialized in the areas of teaching students with learning disabilities and in the impact of the law on special education. Dr. Herr taught adults with learning disabilities for seven years at the community college level before beginning her career at the University of Oregon in 1985. As a consultant, she has conducted numerous workshops and made many presentations for the Oregon Association for Children and Citizens with Learning Disabilities (ACLD), the Western College Reading Association and other professional groups. She is also a certified trainer in the University of Kansas Strategies Intervention Model and has conducted in-service training for local school districts in learning strategies developed at the University of Kansas. Dr. Herr is one of the few specialists in Oregon in the area of learning disabilities assessment with adults.

In her leisure time, Dr. Herr is an avid reader of mysteries and science fiction/fantasy books and spends time with her family: A dog, a cat, and an African Grey Parrot.

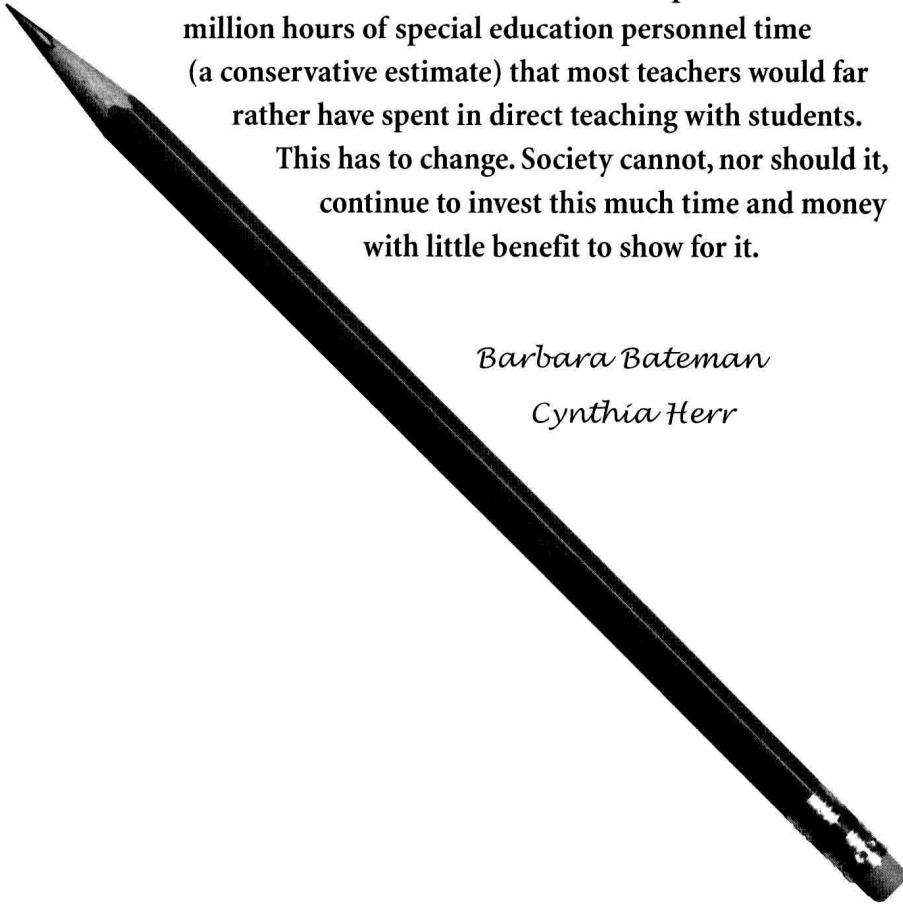
Preface

Sadly, many professionals who work with Individualized Education Programs (IEPs) if given the chance, would vote to abolish them. IEPs have taken up several hundred million hours of special education personnel time (a conservative estimate) that most teachers would far rather have spent in direct teaching with students.

This has to change. Society cannot, nor should it, continue to invest this much time and money with little benefit to show for it.

Barbara Bateman

Cynthia Herr



This book proposes a way to prepare the heart and soul, the nitty-gritty, the critical parts of the IEP in a way that is SIMPLE, CLEAR, USEFUL, ECONOMICAL, WORTHWHILE, COMMON 'SENSICAL,' LEGALLY CORRECT and REVOLUTIONARY. It is different from the way almost all of us have been writing **Individualized Education Program (IEP)** present levels of performance, goals and statements of service.

Sadly, many professional people who work with Individualized Education Programs (IEPs) would vote, given the chance, to abolish them. IEPs have taken up several hundred million hours (a conservative estimate) of special education personnel time that most teachers would far rather have spent in direct teaching with students. This has to change. Society cannot, nor should it, continue to invest this much time and money with little benefit to show for it.

In 1997 and again in 2004 when Congress revisited special education law (IDEA, the Individuals with Disabilities Education Act), it detailed the need for increased emphasis on measurable and measured goals, on students making genuine and measured progress, and on that student progress being regularly and meaningfully reported to parents.

This book will help every IEP team member respond effectively and without undue effort to this Congressional mandate.

However, be alerted — this is not IEP business as usual. It's much more than that. Please join us . . .

Barbara Bateman

Cynthia Herr



Part I:
About GO/Bs
(Goals and
Objectives/
Benchmarks/
Progress Markers)

IDEA 2004

Since 1975 one federal law has guided every aspect of special education services in the United States. This law, most recently amended in 2004¹, is the Individuals with Disabilities Education Act, commonly called IDEA. IDEA provides many benefits and protections to every eligible child who has a disability, and to his or her parents. The detailed framework of IDEA provides for full and individual evaluations, independent evaluations, the provision of special education and related services, individualized placement decisions within a continuum of placement options, protections in disciplinary actions, and much more. The major purpose of IDEA is to make a free, appropriate public education (FAPE) available to every child who has a disability.

The heart of IDEA is a written document called an Individual Education Program (IEP). While all benefits and protections are important, it's the IEP process, with parents as full and equal participants with the school personnel, that determines what services the child will actually receive. These services, as spelled out in the IEP, constitute FAPE. Thus the IEP determines what happens in the child's education. The IEP is the "make or break" component in FAPE for every IDEA child.

The IEP document must include certain elements for all children plus two additional for students sixteen and older. The first three components of the IEP are key, and they are what this book is about:

1. The child's present levels of performance;
2. Measurable annual goals (and measurable benchmarks or objectives some students)², and
3. A statement of needed special education and other services.

Just as the IEP is the heart of IDEA, these three items are the heart of the IEP. Together, they are the key pieces of the whole law and of the child's education.

1. Statutory references are to IDEA 2004, regulations cited are the 1999 IDEA regulations.

2. Prior to IDEA 2004, objectives or benchmarks were required for all students. Now they are required only for certain students, as discussed below.

A three-fold inquiry determines these key pieces of the IEP:

1. What are the child's unique needs?
2. What services will the school employ to address each need?
3. What will the child be able to accomplish as a result of the services?

This three-fold inquiry translates directly into three critical elements of the IEP: The present levels of performance (PLOPs), goals, and a statement of the special education services which will move the child from the PLOP to the goal. This book is about the heart within the heart, shown in Fig. 1.



Fig. 1

The IEP is the heart of the Individuals with Disabilities Education Act (IDEA), and measurable goals and objectives/benchmarks/progress markers are the heart of each IEP.

When IDEA was amended by the U.S. Congress in 1997 and even more so in 2004, new importance and emphases were placed on:

1. Special education students making more progress;
2. Special educators accurately and objectively measuring student progress; and
3. That progress being accurately and meaningfully reported to parents.

GO/Bs Redefined

Prior to July 1, 2005, IDEA required that all annual IEP goals have measurable short-term objectives or benchmarks. Short-term objectives were defined as breaking "the skill described in the annual goal down into discrete components" while benchmarks were described as "the amount of progress the child is expected to make within specified segments of the year" (IDEA 1999 Regulations, Appendix A, Question 1).

Beginning July 1, 2005 short-term objectives or benchmarks are required only on the IEPs of those students who are assessed (under No Child Left Behind) using alternate standards rather than grade level standards. For other IEPs, short-term objectives or benchmarks are no longer mandated. However, we believe that prudent IEP teams will continue to use them for compelling educational and legal reasons.

With the new emphasis on accountability, effectiveness of the services provided, and objective progress assessment and reporting, it would be foolhardy for a school district to allow a student to fail to make progress for an entire year with no objective assessment. Furthermore, progress must still be reported to parents at least as often as it is reported to parents of non-disabled children. Even a casual reading of hearing and court decisions in IDEA cases over recent years shows that hearing officers and judges are rapidly recognizing the critical role of objectively measured progress in the education of children who have disabilities.

In addition to the huge legal risks in not objectively measuring progress at least every grading period, it is also courting educational disaster. When a child with a disability is not making adequate or appropriate progress, time is of the essence. It is unconscionable to allow a child to remain month after month in a less-than-effective program. In fact, with careful data collection, it is usually possible to determine whether a program is effective for a particular child within a few weeks. As both IDEA and No Child Left Behind push schools further toward research-based and proven interventions, we can be certain the legal and educational focus on results and outcomes, objectively measured and shown, will only increase.

The rationale of some who urged eliminating the IDEA requirement for short-term objectives or benchmarks, e.g., the Council for Exceptional Children, was the need for more instructional and preparation time for professional staff. Without in any way disputing the value of and the need for the best possible use of professionals' time, our view is that a failure to include short-term objectives or benchmarks in every IEP is short-sighted, legally risky and very poor practice. In recent years many, perhaps most, professionals involved in writing IEPs have become increasingly proficient in writing useful and measurable objectives and benchmarks. The time required to do this is a mere fraction of the value received, once a minimal level of proficiency is

reached. Far more time could be saved in IEP preparation by a judicious prioritization and a limiting of goals, and by eliminating unnecessary general education curriculum and standards from all IEPs while focusing on those aspects of the child's' education that must be **individualized** and on those special education services necessary to enable the child to **access** the general curriculum. From the beginning of IDEA the federal intent has been that most IEPs be 3-5 pages long. If IEP teams examine afresh what an IEP is "supposed to be" and proceed accordingly, including objectives or benchmarks on all IEPs, far more time can be saved, with far better results than by omitting vital objectives.

The purpose of objectives and benchmarks is to assess progress. IDEA 2004 has not eliminated the requirement that progress must be measured and reported. If an IEP team chooses not to include objectives or benchmarks, it must still determine how progress will be assessed at least as often as every grading period. Hearing officers and judges are more and more frequently cautioning against reliance on subjective measures such as teacher judgment. Vague, global terms such as "emerging" or "progressing" are also rapidly becoming as unacceptable legally as they are educationally. We know of no easier, better or more efficient way to access progress than by using short-term objectives or benchmarks. The use of measurable objectives is both best educational practice and safe legal practice. To write IEPs without them is to risk a great deal for no valid reason.

To try to get by without measurable and measured progress markers is to court educational, legal and perhaps financial disaster. Without measured progress, a child may be found to have been denied FAPE. A finding that a child has not been given FAPE may be the beginning of a LEA having to pay for private schooling or provide compensatory education. However, the most important consideration is that every child should always be receiving effective services. Time is a precious commodity, never more so than for a child who needs successful intervention as soon as possible. Progress markers allow prompt action when it is needed, provided they are actually measured, i.e., the child's progress is assessed.

Throughout the discussion that follows we will occasionally use the term "progress markers" to refer to objectives or benchmarks to remind all that the function, the

purpose of objectives and benchmarks is to allow us to mark progress. Progress markers, objectives and benchmarks are the same thing. A goal is just a one-year progress marker. All objectives, goals, benchmarks or progress markers must be **measurable**.

Many special educators, teachers, and other professionals experience IEPs as burdensome legal documents, laboriously completed and quickly filed — with the hope that they are never monitored and with no intention of ever using them. At the same time, many parents experience the IEP development process as intimidating, frustrating and pointless. Too often hours are spent laboring over IEP goals and objectives, and even then the results are frequently unsatisfactory, non-measurable and never-to-be-measured. However, measurable goals and objectives can be surprisingly fast, easy to write, and helpful — once the skill has been learned.

Measurability

"Measurability" is an important ingredient in the 2004 IDEA. Before going any further, let us look at what IDEA says about measurable goals and progress reporting. The IEP must contain:

"A statement of measurable annual goals, including academic and functional goals . . . [and] a description of how the child's progress toward meeting the annual goals . . . will be measured [progress markers] and when periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided." (20 U.S. §1414 (d)(1)(A)(i)(I, II).

The importance of this requirement for measurable annual goals and progress reporting was addressed in the 1999 Regulations. While IDEA 2004 changed the requirement somewhat, we believe the rationale is still compelling. To wit:

"Measurable annual goals, including benchmarks or short-term objectives, are critical to the strategic planning process used to develop and implement the IEP for each child with a disability. Once the IEP team has developed measurable annual goals for a child, the team:

- (1) can develop strategies that will be most effective in realizing those goals, and
- (2) must develop either measurable, intermediate steps (short-term objectives) or major milestones (benchmarks) that will enable parents, students, and educators to monitor progress during the year, and, if appropriate, to revise the IEP consistent with student instructional needs.

As noted, each annual goal must include either short-term objectives or benchmarks. The purpose of both is to enable a child's teachers, parents, and others involved in developing and implementing the child's IEP, to gauge, at intermediate times during the year, how well the child is progressing toward achievement of the annual goal. IEP teams may continue to develop short-term instructional objectives that generally break the skills (described in the annual goal) down into discrete components. The revised statute and regulations also provide that, as an alternative, IEP teams may develop benchmarks which describe the amount of progress the child is expected to make within specified segments of the year. Generally, benchmarks establish expected performance levels that allow for regular checks of progress that coincide with the reporting periods for informing parents of their child's progress toward achieving the annual goals. An IEP team may use short term objectives, benchmarks or a combination of the two, depending on the nature of annual goals and needs of the child." (Appendix A, 1999 IDEA Regulations, Question 1.)

IDEA leaves no doubt that measurability is both mandated and absolutely essential. Without measurability, progress cannot be monitored. However, measurability alone is not sufficient. Goals and objectives must be both **measurable and measured** in order to determine progress and to make necessary revisions to the IEP.

*All goals and
progress markers must be
measurable and measured.*

Part I: About GO/Bs

What exactly does measurable mean? Unfortunately, IDEA doesn't define it for us. So, we will examine measurability and non-measurability, as well as look closely at other important terms.

Measurable

"Measurable" is the essential characteristic of an IEP goal or objective. When a goal isn't measurable, it cannot be measured. If it cannot be measured, it violates IDEA and may result in a denial of FAPE to the child.

*To measure is to
do something.*

To measure something is to perform a particular operation, **to do** something.

To measure one's weight, stand on a scale.

To measure temperature, look at a

thermometer. To measure tire pressure, put a gauge on the valve stem. And so on. To measure is to perform an action of some type. An important question to keep in mind when writing measurable GO/Bs is, "What would one do to see if the child has accomplished this GO/B?"

Another key consideration is whether, if several people evaluated the student's performance, they would come to the same conclusion about accomplishment

of the GO/B.

*Multiple evaluators can
agree on whether the
student has reached
the goal.*

If the goal were that Rocky would learn "to cope appropriately with being teased," evaluators could easily disagree whether certain responses demonstrated appropriate coping. If the goal were, "When teased, Rocky would make no

verbal response and would walk away," observers would be likely to agree.

A third issue is that when the GO/B is measured, we must be able to say **how much** progress has been made since the PLOP or previous GO/B was measured. "How much" requires some degree or level of quantification. This is not to say we must insert 80% (or any other %) into every GO/B! Doing that routinely, as many people do, has some sad and some absurd results, as we'll see later.