Background

As a result of a 1982 lawsuit that raised the question of “educational benefit,” the California Department of Education developed a process for reasonably calculating “educational benefit.” The process involves reviewing student records through a structured, reflective format that ultimately examines the impact an IEP has on the yearly progress made by a student with special needs by examining the alignment of assessment, present levels of performance, the Individualized Education Program (IEP) goals and objectives, and the supports and services provided. The examination occurs within a single IEP and a comparison of IEPs across a three-year period.

Balance Struck in Rowley

“Congress did not impose upon the states any greater substantive educational standard than general education. Indeed,…Congress expressly recognize (d)...the process of providing special education and related services ... is not guaranteed to produce any particular outcome.”

“It would do little good for Congress to spend millions of dollars in providing access to public education only to have the ...child with a disability receive no benefit from that education.”

“Such instruction...if the child is being educated in the regular classrooms of the public education system, should be reasonably calculated to enable the child to achieve passing marks and advance from grade to grade” (Justice Rhenquist)
Educational Benefit is defined as:

A review of student records to determine if the IEP was reasonably calculated to result in educational benefit. Educational benefit can be measured in a variety of ways:

- Achieving passing marks
- Advancing from grade to grade
- Making progress toward meeting goals and objectives
- Improved scores on statewide or district tests OR alternate assessment measures
- Graduating with a diploma
- Passing the California High School Exit Exam (CAHSEE)

Reasonable Calculation...
Is based on the procedural requirements of IDEA and means:

- The assessment was complete
- The IEP team identified needs related to:
  - The child’s disability
  - Involvement and progress in the general curriculum
- Goals and objectives were established in each need area of identified need
- Services were planned to support:
  - Progress toward all goals
  - Progress in the general curriculum
  - Participation in extracurricular and other nonacademic activities
  - Education with other disabled and non-disabled children
- The IEP Team reviewed the child’s progress and adjusted the student’s IEP if progress was not made and/or to address the student’s anticipated needs.
To determine if Educational Benefit was achieved, ask:

- Was the assessment complete and did it identify the student’s needs?

- Did the present performance include all of the needs identified in the assessment? (Include any school wide assessment that is pertinent to the student’s needs.)

- Were all of the student’s educational needs addressed by appropriate goals and objectives?

- Did the services support goals and objectives?

- Did the student make yearly progress?

- If the student did not make progress, were the goals and objectives changed in the next IEP to assist the student in making progress?

- If the student did not make progress, were the services changed in the next IEP to assist the student to make progress?

- Were enough services provided to ensure that the student would make progress?

- To assess for overall compliance, consider the answers from each of the above, and determine: Was the IEP reasonably calculated to result in educational benefit?
Educational Benefit Checklist

IDENTIFYING INFORMATION
€ Is all of the information correct?
€ How will the manager of the school MIS system be informed of the changes?
€ Does the IEP clearly specify the child’s disability(s)?
€ Did the IEP team identify how the child’s disability affects his or her involvement and progress in the general curriculum or participation in appropriate activities for the preschool child?

TRANSITION
€ Is the transition plan developed in accordance with the student’s post-school preferences, interests, and goals?
€ Are there measurable postsecondary goals based on age appropriate transition assessments?
€ Are additional transition assessments required?
€ Are all areas of transition needs clearly specified, with corresponding measurable goals and responsible persons/agencies identified as appropriate?
€ Are the transition goals and services specifically designed to prepare the student for postsecondary education, employment, and/or independent living?
€ If the student is age 16 or older, has the student been informed of the rights that will transfer when he or she reaches age 18?

PRESENT LEVELS OF ACADEMIC ACHIEVEMENT AND FUNCTIONAL PERFORMANCE
€ Do the Present Levels of Academic Achievement and Functional Performance reflect all needs identified in the assessments?
€ Are all sections of the Present Levels of Academic Achievement and Functional Performance addressed, including documentation of “no concerns noted at this time?”
€ Does the IEP Team agree that this narrative clearly reflects the student’s performance in the educational setting?
€ Does the team agree that all areas of need are identified that should be addressed in the goals, and objectives/benchmarks if required?
€ Does the team agree that all areas of need are identified that should be addressed in the goals, and objectives/benchmarks if required?

SPECIAL FACTORS
€ Did the IEP team carefully consider all Special Factors that may influence the child’s educational progress?
€ Are additional supports, assistive technology devices, special materials and equipment, etc. identified if needed?
€ Has the team carefully considered the child’s communication needs related to the special factors identified?
GOALS, INCLUDING BENCHMARKS OR OBJECTIVES (AS APPROPRIATE)

- Are there goals and objectives/benchmarks (if required) for each area of need and vice versa?
- Are the goals and objectives/benchmarks measurable?
- Do the goals and objectives/benchmarks enable the student to be involved in and progress in the general curriculum or meet other educational needs that result from the disability?
- If the student is an English Learner, are the goals and objectives/benchmarks linguistically appropriate?
- Is the person(s) primarily responsible for implementing the goals and reporting progress identified?
- Is the method for determining the child’s progress toward the annual goals and reporting to the parents clearly specified?
- If the student did not meet a prior goal(s), was the goal(s) revised to meet the student’s needs?
- Do the new goals indicate the IEP Team should consider changes in services and/or supports?

SPECIAL EDUCATION AND RELATED SERVICES

- Are the appropriate services identified to support progress toward all goals including:
  - Progress in the general curriculum?
  - Participation in extracurricular and other nonacademic activities?
  - Is specific information included regarding frequency, location, duration, and provider for each service, ESY, program modification, accommodation, and/or supports for school personnel?
- Did the IEP team only recommend services outside of the regular education classroom after carefully considering the impact of removing the child from the general classroom for the service?
- Is there an explanation of to the extent to which the child will not participate with nondisabled students in the general education setting?

PARTICIPATION IN ASSESSMENTS

- Are alternate assessment(s), including the reasons, clearly noted if required?
- Did the IEP team identify accommodations and/or modifications needed on districtwide assessments as well as State assessments?
- Does the student require the accommodations both on state and districtwide assessments and in his educational program?
- Are accommodations on State and districtwide assessments in accordance with state guidelines?

SIGNATURES

- Did all IEP Meeting participants sign, if required?
- Do the parent(s) consent to all the components of the IEP?
- If not, are areas of agreement and/or disagreement clearly specified?
- Are the next steps identified for reaching resolution is appropriate?
IEP TEAM MEETING COMMENTS

€ Is this information a summary of the meeting?
€ Does everyone agree that the information accurately reflects what was discussed and the agreements that were made?
€ Are next steps clearly identified, including individuals responsible, if needed?