

# Activities

# Legal Implications PLAAFP



- ✦ OSEP explained why a district cannot lawfully prepare IEPs with the same statement of current levels of performance for all students in a specific program. It noted that while some children within a category of disability may share some relevant behavior characteristics and education needs, the possibility of finding sufficient clusters of children with identical behavior characteristics, identical levels of educational performance, and identical educational needs is remote. Consequently, it is impermissible for districts to have the IEP for each student in a class contain identical statements of present levels of educational performance. *Letter to New*, 211 IDELR 464 (EHLR 211:464) (OSEP 1987).
- ✦ A Maryland district's IEP team failed to take into account an elementary student's needs related to her learning disability. By missing those problems, the remainder of the IEP was defective – lacking a full set of goals and an inadequate description of the range of services she needed. *Friedman v. Vance*, 24 IDELR 654 (D. MD. 1996).
- ✦ Reliance on broad test scores in reading and writing of a student with dyslexia failed to establish with precision his individual needs. Instead, the court determined the district should have conducted further testing designed to pinpoint particular areas of weakness. Because it failed to do so, the IEP masked the student's deficits and understated his need for more intensive programming. *Evans v. Board of Educ. Of the Rhinebeck Central Sch. Dist.*, 24 IDELR 338 (S.D.N.Y. 1996).
- ✦ The court found adequate the district's description of the present levels of educational performance for a middle school student with a learning disability. It included standardized test scores for three of the student's areas of need and non-standardized assessments for the more specific objectives. *Coale v. State Dep't of Educ.*, 35 IDELR 149 (D. Del. 2001).
- ✦ An Illinois hearing officer found inadequate the district's reliance on report card grades in its statement of present performance levels with respect to the progress of a high school student in the general curriculum. The IHO said the district should have used assessment techniques such as criterion-referenced tests, standard achievement tests and diagnostic tests. *Thornton Fractional Township High Sch. Dist. #128*, 36 IDELR 283 (SEA IL 2002).
- ✦ A Minnesota district's IEPs failed to adequately provide the student's present levels of performance and objective criteria against which achievement could be measured. The PLOP sections of the IEPs contained only conclusory statements about the student's abilities, and the IEPs did not fully explain how his disability affected his involvement in the educational process. As a result of this and other IDEA violations, the court awarded the student compensatory education of 225 minutes direct special education services and a private assessment. *Larson by Larson v. Indep. Sch. Dist. No. 361*, 40 IDELR 231 (D. Minn. 2004).

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- ✦ A New York review officer rejected the parent’s procedural-based allegations that the IEP committee did not consider the student’s final quarterly report and that it lacked objective data to determine present performance levels. He concluded that the parents participated in committee meetings and received current educational progress reports. Additionally, evidence indicated the district used both objective and subjective data to measure progress. *Board of Educ. Of the Arlington Central Sch. Dist.*, 41 IDELR 228 (SEA NY 2004).
- ✦ A New York review officer rejected the proposed IEP for a student with a learning disability because it contained only a number of conclusory statements about her academic performance and needs, such as “has moderate academic deficits.” *Board of Educ. Of the Mamaroneck Union Free Sch. Dist.*, 36 IDELR 223 (SEA NY 2001).

# “You be the Judge”

## Present Levels of Academic Achievement & Functional Performance

### *Strengths*

- Letter word identification
- Reading comprehension
- Uses a phonetic approach to decode unfamiliar words
- Math calculation
  - add & multiply single-digit numbers
- Math reasoning
  - solved orally-presented addition & subtraction
  - word problems
- Tells time to the hour
- Identifies a penny & quarter
- Writes dictated letters
- Spells some one-syllable words
- Writes simple complete sentences
- Neat handwriting
- Knowledge of science, social studies, & humanities
- Good attention & effort
- Persistence

### *Needs*

- Make inferences
- Solve written subtraction problems
- Identify a dime and nickel
- Use capitalization at beginning of sentences
- Use end punctuation
- Say words that end with the /r/ sound
- Social skill
- Flexibility with changes
- Rigid/literal thinking
- Worried/stressed out/over stimulated

# Practice

## Case Study One (Developmental/Life Skills)

- Write a PLAAFP to justify the annual goal:

### Goal

In 36 instructional weeks or by February 28, 2011 When presented w/ quantity questions in the “How” form (i.e. How many) J will use manipulatives to correctly answer the question in 3 out 5 opportunities with two or fewer verbal cues.

## Case Study One (Behavior)

- Write a PLAAFP to justify the annual goal:

### Goal

In 36 instructional weeks, using a behavioral rubric identifying specific collaboration behaviors, Sara will productively participate with peers during team assignments and discussions with no more than two prompts per class period, to meet 75% on the a teacher made rubric.

### Case Study One (Primary)

- Write a PLAAFP to justify the annual goal:

#### Goal

In 36 instructional weeks using a place marker and given a 3rd grade passage Anthony, a 3rd grade student, will read 80 words per minute with 8 or fewer errors.

### Case Study One (Secondary)

- Write a PLAAFP to justify the annual goal:

#### Goal

Annual Goal(s) By June 15, 2010, given a 12 x 12 multiplication chart, Henry will use algebraic methods to solve systems of linear equations in 7 of 10 trials on open ended assignments.

## Case Study Two (Developmental/Life Skills)

### PLAAPF:

Jayden has good attendance and enjoys participating in group activities. He maintains good eye contact and follows two step directions with two verbal prompts with 85% accuracy. Jayden recognizes and reproduces simple patterns of concrete objects such as beads (red, blue, red, blue) with an overall accuracy of 85%. He can sort pennies, nickels, dimes, and quarters with 80% accuracy. However, Jayden struggles when asked a question such as, “How many books do we need to get out for our reading group if there will be four students?” or if asked, “How many cookies do you need if you have 5 friends and each friend will get one cookie?” When asked these types of questions, Jayden will start guessing without using tools, objects, or pictures. He needs two to three prompts to use a tool before he stops guessing. Jayden follows two step directions with two verbal prompts with 85% accuracy. Jayden can reproduce simple patterns and sort pennies, nickels, dimes, and quarters with 80% accuracy. Jayden requires specialized academic help throughout the day, including assistance in expressing his needs, getting from place to place, and taking care of personal needs. He utilizes picture symbols and icons in his daily schedule and requires specialized instruction and techniques to ensure that he acquires, maintains, and generalizes skills, including verbal instructions broken into parts or chunks. His TEKS access focuses on prerequisite skills, and he seldom uses paper/pencil tasks to demonstrate his knowledge skills, as his reading and writing skills are significantly limited. More commonly, he uses communication aids and voice recognition software. He demonstrates skills using real life applications, and has a great deal of difficulty showing these skills in more abstract situations.

- **Write an annual goal to aligned to the PLAAPF**

## Case Study Two (Secondary)

### PLAAFP

General Information, including PLAAFP Excerpts Roxanne is relatively shy and reserved but is eager to please her teachers. She is reluctant to ask for help with her work when she is confused, and as a result, she sometimes just sits and waits for the teacher to offer assistance. She lives in a foster home with her 2-year-old daughter. Her foster parents report that while Roxanne takes good care of her own personal hygiene, they often have to remind her to bathe her daughter, wash her daughter's clothes, etc. She works best in a small group. She is scheduled to take the 10th grade TAKS Mathematics test with small group administration. Her IEP calls for this accommodation to be used routinely in mathematics content due to her difficulties with math calculation. Roxanne is able to communicate her wants and needs appropriately when someone else initiates the conversation. Roxanne's vocabulary knowledge is strength. She is able to use the commutative, associative, and distributive properties of mathematics accurately with numerical equations, but she has difficulty in using the distributive property with algebraic expressions. Repeated assessments from a classroom rubric demonstrates Roxanne consistently scores 3 out of 12.

- **Write an annual goal aligned to the PLAAFP**

## Case Study Two (Primary)

### PLAAFP

Mia is outgoing, has many friends, and enjoys participating in group activities. Mia completes her work but often forgets to turn it in on time; she needs three to four verbal reminders to turn in her work, which affects her grades. Mia can use addition and subtraction to solve problems involving whole numbers and decimals. On the last assessment with addition and subtraction of decimals, she scored an 87%. Mia can multiply whole numbers without the use of a calculator; one digit by one digit with 60% accuracy, one digit by two digits with 45% accuracy, and three digits by two digits with 20% accuracy. Mia knows her multiplications fact with 0's – 5's on sight with no errors but struggles with 6's – 12's. Mia's struggling with multiplication facts is causing her to fall behind in math compared to other typical fifth grade students.

- **Write an annual goal aligned to the PLAAFP**

### **Case Study three (Write two Objectives and two benchmarks)**

#### **PLAAFP**

Michael demonstrates a weakness in comparison to same age peers in the area reading comprehension, specifically drawing inferences and conclusions. When responding orally to questions he often gives surface responses and many of his responses do not demonstrate deep understanding of the story elements. He struggles with abstract concepts and often answers quickly when orally responding to questions regarding the text. Michael's difficulty with drawing inferences and conclusions is contributing to a decreased ability to understand non-linear plot development, the author's development of complex characters and the narrator's point of view. Teacher, campus, and state multiple choice assessment indicate that typically Michael scores below 50% on items associated with these literary elements.

**\*In 36 instructional weeks, given a graphic organizer for details Michael will orally provide evidence to support his understanding of inferences and conclusions about the structure and elements of fictional text at three occurrences of 70% on multiple choice teacher, campus, and state assessments.**

**Objective 1 :**

**Objective 2:**

**Benchmark 1 :**

**Benchmark 2:**