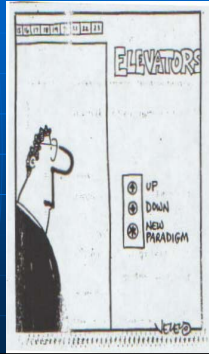


Educational Benefit

From what authority?
What is it?
How do you measure it?



What is Compliance? Educational Procedures (Traditional Compliance)



Educational Benefit
(Evidence-based Judgment about 'reasonably calculated')

Components of Effective Administrative Supervision (monitoring)

- ✓ 1. Comprehensive Policies & Procedures
- ✓ 2. Data on Process and Results*
- ✓ 3. Training & Technical Assistance (CSPD/SIG)
- ✓ 4. Effective Complaint Management
- ✓ 5. Investigations, Corrective Actions, and Enforcement

The History of Educational Benefit

- 94-142 - Free Appropriate Public Education
- Board of Education v. Rowley (1982) Settling the question, "What is FAPE?"
- IDEA '97 (the shift of emphasis to educational benefit)

So, what is F.A.P.E. and what are its limits?

Board of Education v. Rowley
Decided June 28, 1982

Free Appropriate Public Education

Justice Rehnquist, "we think more must be made of it than either respondents or the United States seems willing to admit... Thus, if personalized instruction is being provided with sufficient supportive services to permit the child to benefit from the instruction, and other items on the definitional checklist are satisfied, the child is receiving a 'free appropriate public education' as defined by the Act."

The Act consists of access to specialized instruction and related services which are individually designed to provide educational benefit to the <child with a disability>"

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."



FAPE

Or



What Model Auto Fits the Requirements of
F.A.P.E.?



It depends on the assessment of individual student needs.
Each of these could be appropriate.

A Standard (?) for some
students

“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)

IDEA '97

“Improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities”
(sec. 1400 (c) (1))

However, the implementation of this Act has been impeded by low expectations, and an insufficient focus on applying replicable research on proven methods of teaching and learning for children with disabilities.” (sec. 1400 (c) (4))

IDEA '97 (senate report)

“This <senate> committee believes that the critical issue now is to place greater emphasis on improving student performance and ensuring that children with disabilities receive a quality public education. Educational achievement for children with disabilities, while improving, is still less than satisfactory.”

“This review and authorization of the IDEA is needed to move to the next step of providing special education and related services to children with disabilities: to improve and increase their educational achievement.”

2000 Senate Resolution

“Whereas improvements to IDEA made in 1997 changed the focus of a child's individualized education program from procedural requirements placed upon teachers and related services personnel to educational results for that child, thus improving academic achievement; ...

Whereas Federal and State governments can support effective practices in the classroom to ensure appropriate and effective services for children with disabilities; ...

2000 Senate Resolution

Resolved by the Senate (the House of Representatives concurring), That the Congress-- ... (3) reaffirms its support for the Individuals with Disabilities Education Act so that all children with disabilities have access to a free appropriate public education.”
(<http://thomas.loc.gov/cgi-bin/query/D?r106:1::/temp/~r1064Rjo92::>)

One of 4 Purposes of IDEA '97
(Monitoring for Educational Benefit?)

“The purposes of this title are --...

(4) To assess, and ensure the effectiveness of, efforts to educate children with disabilities.”

Stakeholders' Measures of Educational Benefit

- Participation in Assessment
- Performance in Assessment compared to peers without disabilities
- Diploma rates
- Alternate assessment
- What else???

Admittedly, not the ideal measures of educational benefit

What is Compliance?

Review ? Educational Procedures
(Traditional Compliance)

+

Educational Benefit
(Evidence-based Judgment about 'reasonably calculated')

Common Elements – CA/LA

- Customize the compliance investigation based on the data about the LEA and the selection indicator(s).
- Make systemic findings of non-compliance based lack of educational benefit provided in a limited sample.
- Focus corrective actions on activities that will improve the probability that educational benefit will occur.

Issues

- Are the example procedures “sufficiently focused” to make a clear connection between required educational procedures and educational benefit?
- Are the finding sufficiently focused to make corrective actions feasible?
- Are the findings sufficiently robust to withstand legal challenge?