

# EDUCATIONAL BENEFIT REVIEW PROCESS: *A Reflective Process to Examine the Quality of IEPs*



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## INTRODUCTION

The Individuals with Disabilities Education Act (IDEA) has more than 814 procedural requirements, yet there is little evidence that meeting procedural compliance will result in student achievement (U.S. Department of Education: Office of Special Education Programs, 2002). A major component of IDEA, the creation of an individualized education program (IEP), aims to address the achievement of students with disabilities through a written statement that is developed, reviewed, and revised by a team of educators and family members (Drouin, 2004).

In 2002, however, the President's Commission on Excellence in Special Education reported that IEPs are more often a means for legal protection and not a guide for instructional planning for students with disabilities (Lynch & Beare, 1990; U.S. Department of Education: Office of Special Education Programs, 2002). Lynch and Beare (1990) found that IEPs had become little more than an administrative task and that there was very little relationship between the IEP and the actual instruction of a student with disabilities. The commission's report emphasized the need for a shift in how IEPs are used from one of procedure compliance to one of an instructional framework for the delivery of effective instruction for students with disabilities (U.S. Department of Education: Office of Special Education Programs, 2002; Yell, Shriner, & Katsiyannis, 2006).

### ***What is Educational Benefit?***

The U.S. Supreme Court helped define educational benefit in *Hendrick Hudson District Board of Education v. Rowley*, 458 U.S. 176 (1982), where it interpreted the "free appropriate public education" established in IDEA. In *Rowley*, the Hendrick Hudson Central School District had provided a sign language interpreter and other services and interventions, such as an FM system, for a kindergartener who was deaf. The school system later

removed the interpreter but maintained the other services and interventions. The family of the kindergartener, Amy, argued that the interpreter was needed to support her educationally. The school system argued that the other interventions were providing enough support to Amy, who was demonstrating passing grades.

The family's arguments prevailed in the lower court, which determined that the sign language interpreter was necessary for Amy to reach her "full" potential (Bearden, 2005). However, the Supreme Court found differently, defining the term "appropriate" with a two-pronged test to assess whether an IEP is FAPE: the procedural compliance, and the reasonable calculation to enable the child to receive educational benefit (Bearden, 2005; Daniel, 2008; *Hendrick Hudson District Board of Education v. Rowley*, 1982; MacFarlane, 2012).

Assessing whether an IEP has any educational benefit is difficult, and Congress left the term "appropriate" to be defined by local and state education agencies (Bates, 1996; Deloney, 1997). "In the absence of clear educational benefit standards, appropriateness of IEPs can always be question" (Bates, 1996, p. 20).

The legal and education fields have debated the standard for educational benefit. The Supreme Court's decision has been interpreted as setting a minimal standard for educational benefit, using passing grades and state assessments as the measures (Daniel, 2008; Johnson, 2012; MacFarlane, 2012; Seligmann, 2012). Others have raised the concept of "meaningful" educational benefit as supporting a student in reaching his full potential, particularly in light of the standards-based reform and Elementary and Secondary Education Act (ESEA) (Daniel, 2008; Johnson, 2012; MacFarlane, 2012; Yell, et al., 2006). The measures for educational benefit with this standard are set in terms of measuring the closing of achievement gaps in general education; implementation

of the IEP in the least restrictive environment (LRE); the use of peer-reviewed interventions and services; positive outcomes from both academic and nonacademic areas; and the capacity of the student to become self-sufficient (Bearden, 2005; Daniel, 2008; Johnson, 2012; Seligmann, 2012; Yell, et al., 2006).

Despite the debate, there is common ground in two areas: that IEPs are inherently individualized and that they require educational outcomes. *Rowley* noted that there cannot be one set standard for all IEPs (Bearden, 2005; Johnson, 2012). The determination of educational benefit needs should be examined on a case-by-case basis (Seligmann, 2012). Many considerations affect the determination of whether an IEP is reasonably calculated to merit educational benefit, including the complexity of the student's needs, the root concerns that affect the student's learning, and the level of the student's progress with specific interventions and services.

The second common ground comes from the original analysis noted by the Supreme Court decision in *Rowley*. The implementation of the IEP should demonstrate results in student performance and achievement. *Rowley* measured educational benefit by:

- Passing grades on coursework
- Advancing from grade to grade
- Making progress toward IEP goals
- Scores on statewide or district-wide assessments, including alternate assessments
- Graduation (Drouin, 2004; *Hendrick Hudson District Board of Education v. Rowley*, 1982)

IDEA does not denote any specific measures regarding educational benefit (Seligmann, 2012). However, in the reauthorization of IDEA in 2004, the statute holds state education agencies responsible for monitoring local education agencies for educational outcomes as part of compliance (Drouin, 2004; Yell, et al., 2006).



“Focused monitoring.--The primary focus of Federal and State monitoring activities described in paragraph (1) shall be on—

(A) improving educational results and functional outcomes for all children with disabilities; and

(B) ensuring that States meet the program requirements under this part, with a particular emphasis on those requirements that are most closely related to improving educational results for children with disabilities” (Section 616 (a) (2)) (Drouin, 2004).

Defining educational benefit requires an examination of the individual context of an IEP. The examination requires a careful analysis of the specific student needs and the specific interventions and services that are provided compared to the results of the student's performance. The **Educational Benefit Review Process** can provide a structured reflective means of conducting this type of analysis of IEPs.

## THE EDUCATIONAL BENEFIT REVIEW PROCESS *Overview of the Process*

The Educational Benefit Review Process has been developed by the California Department of Education to examine how districts provide supports and services that result in educational benefit (Drouin, 2004). California has made the measure that the IEP was reasonably calculated to result in educational benefit as one aspect of monitoring compliance (National Center for Special Education Accountability Monitoring, 2004). The purpose of the Educational Benefit Review Process is to provide a structured reflective process to assess the whether an IEP is reasonably calculated to provide educational benefit. This process assists educators and families in examining the characteristics of IEPs that increase student access to, participation in, and progress in general education by providing an appropriate education. The purpose of the Educational Benefit Review Process is to determine whether the design of the IEP was reasonably calculated for the student to receive educational benefit (National Center for Special Education Accountability Monitoring, 2004). In 2004, the California State Department of Education shared the design and use of this process with the Connecticut State Department of Education (CSDE) and the State Education Resource Center (SERC). This process has been adjusted to mirror Connecticut's IEP form.

## Getting Ready

The Educational Benefit Review Process takes approximately 2 to 3 hours to complete (National Center for Special Education Accountability Monitoring, 2004). Under the process, districts or schools select records of students who have been in the district for three years or more. These records should be a general representation of the kinds of IEPs that the district or school develops. The district then assembles a team comprising administrators, general educators, special educators, integrated student support services personnel, and others who participate in the development of IEPs, such as families and paraprofessionals. The process is intended to be reflective rather than evaluative, and there is a method or protocol to capture the dialogue that occurs during the process (National Center for Special Education Accountability Monitoring, 2004).

The process works best with teams of 4-6 per IEP. Teams can record the information from the IEP onto a chart that captures the following information: present levels of performance, including strengths; postsecondary outcomes; concerns; impact on involvement and progress in the general education curriculum; goals, objectives, accommodations, and modifications; services and placement; and student progress (Figure 1). After each step in the process, teams should discuss the highlights of the reflection and record the learning in terms of practices to keep and practices to change (Figure 2).

**Figure 1: The Educational Benefit Review Process Chart**

Present Level of Academic Achievement & Functional Performance, Including Strengths & Interests and Transition Assessments	Post- School Outcome Goal Statement  * optional for high school students	Concerns/ Needs Requiring Specially Designed Instruction	Impact on Involvement & Progress in the General Education Curriculum	Goals & Objectives/ Accommodations & Modifications	Services & Placement/ Sites	Progress on Goals & Objectives

**Figure 2: Notes on Reflection**

Practices to Keep	Practices to change



# *Steps of the Process*

There are five steps to the Educational Benefit Review Process (Drouin, 2004; Pennsylvania Department of Education: Bureau of Special Education: Pennsylvania Training and Technical Assistance Network, 2012; Youtsey, 2006):

- 1) Record information from the IEP onto a set of charts.
- 2) Examine the alignment between assessments and goals and services and progress.
- 3) Examine the development of the IEP from year to year.
- 4) Examine other quality indicators for IEP development that extend and deepen the reflection gained from the previous steps.
- 5) Determine if the IEP indeed is reasonably calculated to merit educational benefit for the student.

## **STEP 1**

### **Record Information**

*What information is included in the student's IEP?*

The team records on a chart the student's strengths, needs, goals and objectives, accommodations and modifications, services/placement, and progress for each IEP annual reviews in a three-year cycle.

#### **How to Record**

- Information must be present in the IEP
- Information is verbatim as much as possible
- Shorthand and abbreviations are acceptable, but paraphrasing or summarizing are not

## **STEP 2**

### **Analyze Relationships**

*Is there a clear relationship between the identified needs, goals, and services?*

The team analyzes the relationship and alignment between the student's identified needs, goals, and services and how they result in progress for annual review in a three-year cycle. Alignment is the direct relationship between two components and is demonstrated by drawing a line from one area to another to show the association. For example, the analysis of the assessments used in determining the present level of achievement/function will identify the student's specific needs; the identified needs will drive specific goals/objectives and accommodations and modifications; and the goals/objectives and accommodations and modifications will drive the type and amount of services and placement.

#### **How to Record**

- Draw circles around areas that align and draw arrows between the circled items to designate alignment
- Draw empty circles to designate areas where alignment has not occurred or gaps in the alignment

#### **Helpful Hint**

*Use different-colored markers to circle items that all relate to the same area, such as reading or math.*

(See example on the last page of this document)

## **STEP 3**

### **Compare to Prior Year**

*Are subsequent goals and services/placement consistent with progress made?*

The team compares progress from year 1 to year 2 and year 2 to year 3 to determine if subsequent changes to goals and services were made based on the results of progress.

#### **How to Record**

Compare the first IEP to the second IEP and determine group consensus for increase or decrease of complexity and progress for each component. Determine if there was a change from the previous IEP to the next IEP. Record in the blank columns in between each section with notations of a 0, +, or -.

- 0 = No change from prior year
- + = Increased complexity of goals/objectives, time with non-disabled peers, or progress
- = Decreased complexity of goals/objectives, time with nondisabled peers, or lack of progress

Repeat the process to compare the second IEP to the third IEP.

## *Steps of the Process (cont)*

### STEP 4

#### **Review of Quality**

*Does the IEP reflect quality use of specially designed instruction?*

Review the selection of accommodations and modifications and reflect on how the goals and objectives were written for specific quality indicators.

##### **Key Questions to Ask**

- Did the IEP use the same standards and expectations articulated in the general education curriculum?
- Did the IEP address gaps and the unique needs of the student?
- Were the goals and objectives written in observable (can be seen or heard) and measurable (can be counted) language?
- Was data collected and analyzed to determine the exact progress a student made on each goal and objective?
- Did the IEP reflect evidence of family involvement through joint planning, monitoring, implementing, or facilitating of the IEP?

### STEP 5

#### **Discuss Overall Educational Benefit**

*Are there any patterns to the program planned for the student? Was the student's program reasonably planned to result in educational benefit?*

Determine if there are any patterns in the IEP and decide if the IEP was reasonably planned to result in educational benefit. The team needs to analyze the student's IEPs for alignment among the components and the increase in complexity and progress over time. The overall analysis of the process is to determine if the IEP was reasonably planned to result in educational benefit.

##### **Key Questions to Ask**

- Was the necessary relevant information included in the student's IEP? (Step 1)
- Was there a clear relationship between the identified needs, goals, and services? (Step 2)
- Did the IEP increase in complexity and move towards more inclusive environments relative to the student's progress and the demands of general education curriculum and activities? (Step 3)
- Did the IEP reflect quality use of assessment and specially designed instruction? (Step 4)
- Was the student's program reasonably planned to

### ***Does the Educational Benefit Review Process Work?***

The former National Center for Special Education Accountability Monitoring (NCSEAM) (2004) conducted a focus group study of consultants from the California State Department of Education and district educators on the overall apparent effectiveness of the Educational Benefit Review Process. NCSEAM concluded that both the state department of education consultants and the district educators consider the Educational Benefit Review Process as valuable learning and influencing changes in practices in terms of the development of IEPs (National Center for Special Education Accountability Monitoring, 2004)

SERC conducted four separate interviews of teachers that had experienced the process as part of a four-day professional development on standards-based IEPs. The participants reported that the process was an effective learning opportunity. Their comments were:

*"I think that was most beneficial...to take the IEPs and break them down to see how we're having so many disconnects...it helped us to break it all down and you now realize the mistakes we're making as a district."*

*"...after we had to connect all the lines to see the pattern that was an eye-opener because we could clearly see where the gaps were and what we needed to improve in."*

*"I really think the educational benefit review is the most beneficial...that was the day I feel we did the most reflection on practice."*

## For More Information

Connecticut's SERC has been supporting the Educational Benefit Review Process as part of a professional learning experience. SERC continues to provide technical assistance to districts and schools in using this process. For more information on this technical assistance, contact SERC at:

# SERC

25 Industrial Park Road  
Middletown, CT 06457-1520  
Telephone: (860) 632-1485

E-mail Professional Development Requests - [pd@ctserc.org](mailto:pd@ctserc.org)



## Resources

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# Figure 1: The Educational Benefit Review Process Chart

IEP Annual Review Date: Juan Carlos- 16 yrs. Page #: \_\_\_ of \_\_\_ School: HS Grade: 11

Present Level of Academic Achievement & Functional Performance, Including Strengths & Interests and Transition Assessments		Concerns/ Needs Requiring Specially Designed Instruction		Impact on Involvement & Progress in the General Education Curriculum		Goals & Objectives/ Accommodations & Modifications	Services & Placement/ Sites	Progress on Goals &
<b>Academic/ Cognitive Language Arts:</b> Woodcock-Johnson III Tests of Achievement: Broad Reading: 80 Broad Written Language: 86 Literacy Lab Assessments: 6th grade level academic functioning in reading & writing. Speaks Spanish at home and receives English language learner support in school. Successfully participates in general education classrooms with Resource Specialist support	+	Reading Comprehension vocab, recalling & remembering info read.	+	Juan's difficulty with comprehension skills impacts his ability to independently access reading materials in class, work & community settings	+	By end of 2nd MP, after reading a grade level story and/or text, Juan will verbally summarize the content with (5) key details from a text, and (3) inferences in 4/5 trials as measured by teacher-charted records  -use evidence from the text in explicit & inferential analysis -write in a graphic organizer while reading text -read with peer and highlight text evidence to be used for future analysis	Resource room 1 period per day	+
<b>Behavior/Social/Emotional</b> Good social skills in 1:1 interactions. Compliant with teachers and authority figures. Not actively involved in extracurricular activities; tends to stay at home verses socialize with peers in outside activities.	0	Uncomfortable with Group participation resulting in lack of extracurricular activities	0	Juan's inability to work in group situations limits his ability to interact in classroom, work & community settings	-	Given a group situation Juan will actively participate in the learning experience evidenced by classroom rubric  -enroll in a series of art classes at the high school and/or vocational training program in the community to further his art skills and develop group interaction skills	General Ed for all academic classes	0
<b>Vocational/Transition:</b> Informal interview with Juan & his family at their home School is a struggle but he wants a high school diploma Talent and capability in drawing and art- Interested in art as a possible future career	-		0	Given various research techniques, Juan will investigate his career option to determine his strengths and needs  -investigate career on O*NET to determine skills needed -visit local art store to learn more about job market & specific skills needed -investigate job development possibilities	0	Community 2 hrs./wk.	M	