

Writing Compliant IEPs – Academic and Functional Skill Gaps and How Statement

Maine DOE
Office of Special Services
Monitoring Team

Updated 3/10/2023



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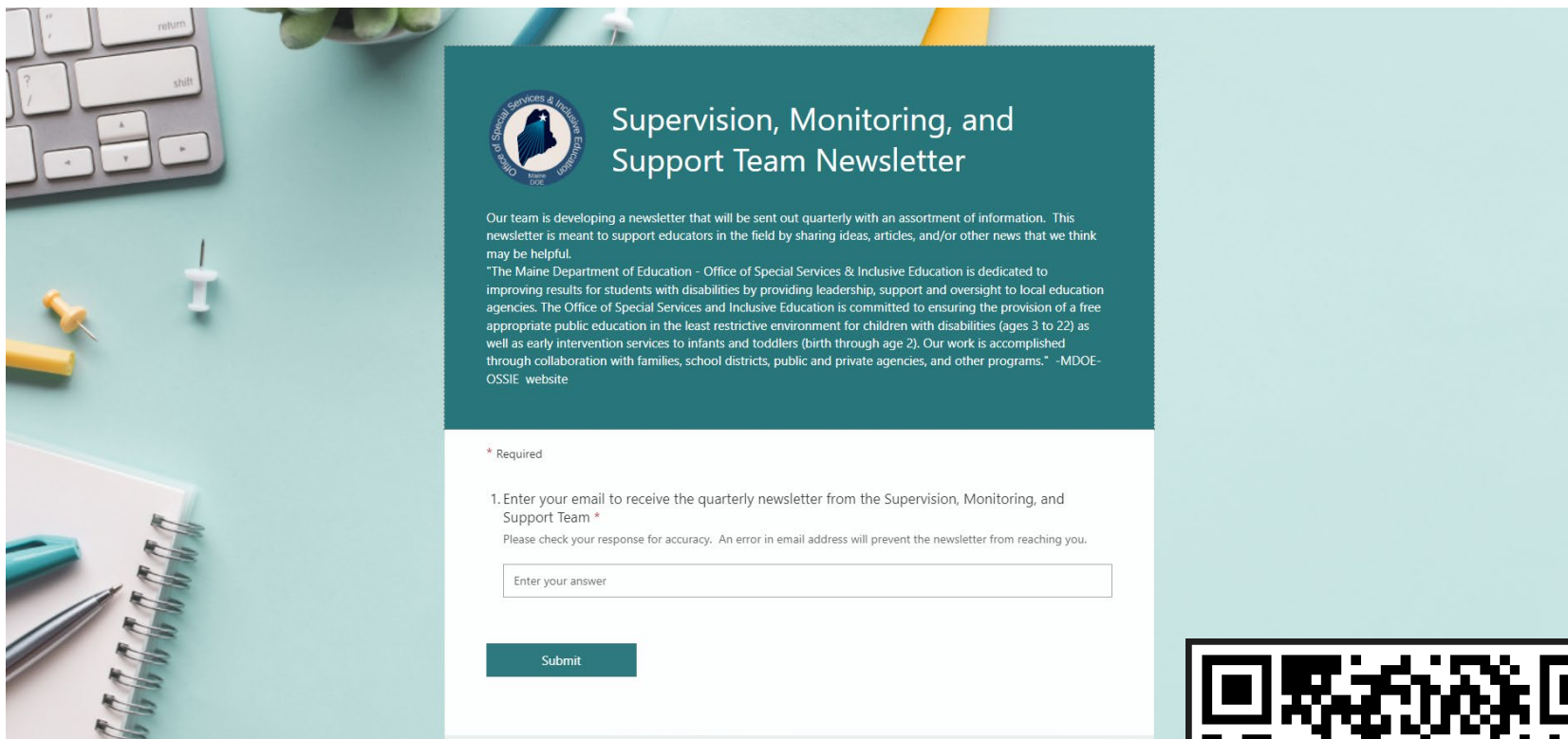
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Supervision, Monitoring, and Support Team Newsletter Sign-Up



 Supervision, Monitoring, and Support Team Newsletter

Our team is developing a newsletter that will be sent out quarterly with an assortment of information. This newsletter is meant to support educators in the field by sharing ideas, articles, and/or other news that we think may be helpful.

"The Maine Department of Education - Office of Special Services & Inclusive Education is dedicated to improving results for students with disabilities by providing leadership, support and oversight to local education agencies. The Office of Special Services and Inclusive Education is committed to ensuring the provision of a free appropriate public education in the least restrictive environment for children with disabilities (ages 3 to 22) as well as early intervention services to infants and toddlers (birth through age 2). Our work is accomplished through collaboration with families, school districts, public and private agencies, and other programs." -MDOE-OSSIE website

* Required

1. Enter your email to receive the quarterly newsletter from the Supervision, Monitoring, and Support Team *

Please check your response for accuracy. An error in email address will prevent the newsletter from reaching you.

<https://forms.office.com/g/nV0KHG0DAj>



Procedural Manual



Special Education Required Forms Procedural Manual



Updated 8/1/2020

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The IEP Committee:

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<https://www.maine.gov/doe/learning/specialed/manual>



Maine Unified Special Education Regulations (MUSER)



05-071 Chapter 101

**Maine Unified Special Education Regulation
Birth to Age Twenty**

Effective Date:

August 25, 2017

<https://www.maine.gov/doe/cds/muser>



What is the Purpose of an IEP?

The Individuals with Disabilities Education Act (IDEA) says the purpose of an ***Individualized*** Education Program (IEP) is “to ensure that all children with disabilities have available to them a ***free appropriate public education*** (FAPE) that emphasizes ***special education*** and related services designed to meet their ***unique needs*** and ***prepare them*** for further education, employment and independent living”, *and to promote movement back to general education.*



Section 2: Disability

A child with a Disability is an Individual Who –

- Has reached the age of 3 years;
- Has neither graduated from a secondary school program with a regular HS diploma nor reached nor reached 20 years of age at the start of the school year;
- Has been observed in the learning environment/classroom setting; and
- Has been evaluated according to these rules and has been determined to have a disability which requires the provision of special education and supportive services.
- A child with a disability shall have one or more of the disabilities listed in MUSER VII.2.A-M

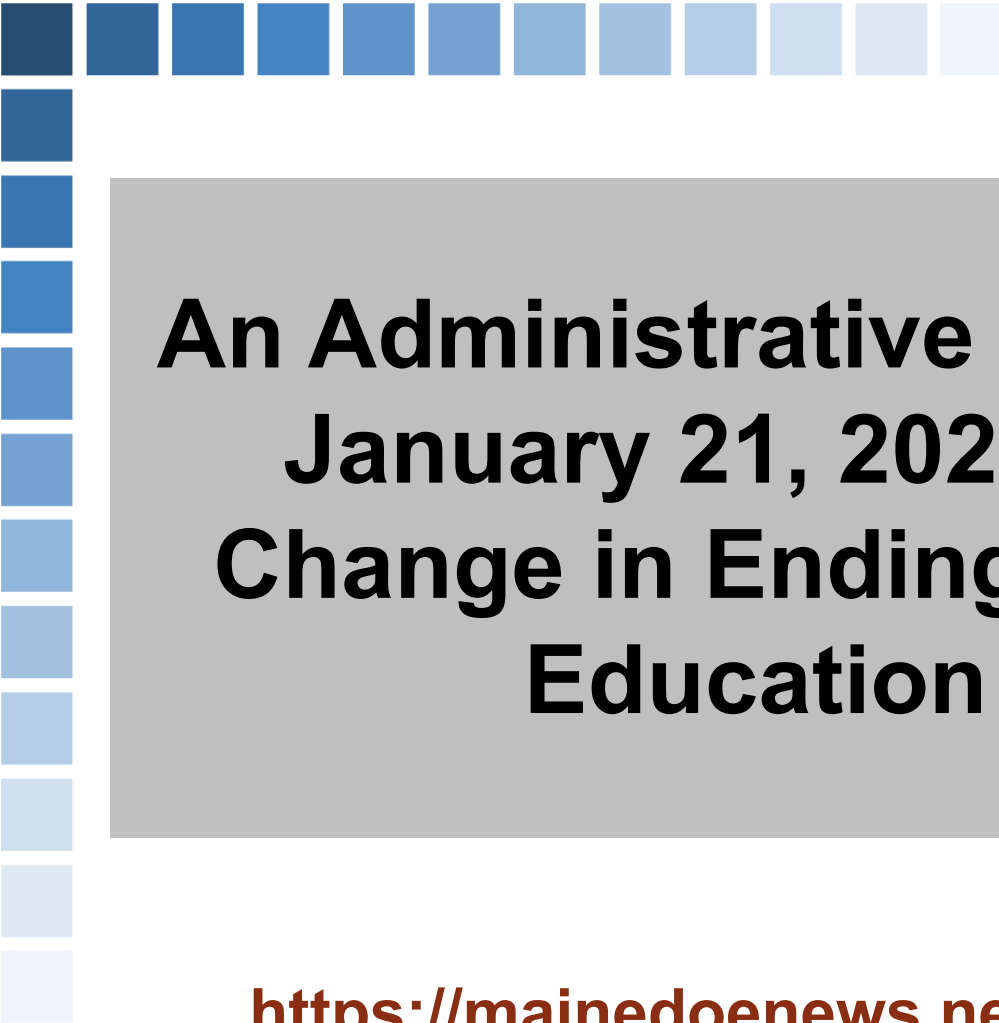
Section 2: Disability

2. DISABILITY

<input type="checkbox"/> Autism	<input type="checkbox"/> Deaf-Blindness	<input type="checkbox"/> Deafness
<input type="checkbox"/> Developmental Delay (3-5)	<input type="checkbox"/> Developmental Delay (Kindergarten)	<input type="checkbox"/> Emotional Disturbance
<input type="checkbox"/> Hearing Impairment	<input type="checkbox"/> Intellectual Disability	<input type="checkbox"/> Visual Impairment (including Blindness)
<input type="checkbox"/> Other Health Impairment	<input type="checkbox"/> Orthopedic Impairment	<input type="checkbox"/> Speech/Language Impairment
<input type="checkbox"/> Specific Learning Disability	<input type="checkbox"/> Traumatic Brain Injury	<input type="checkbox"/> Multiple Disability <i>(check all applicable concomitant disabilities)</i>

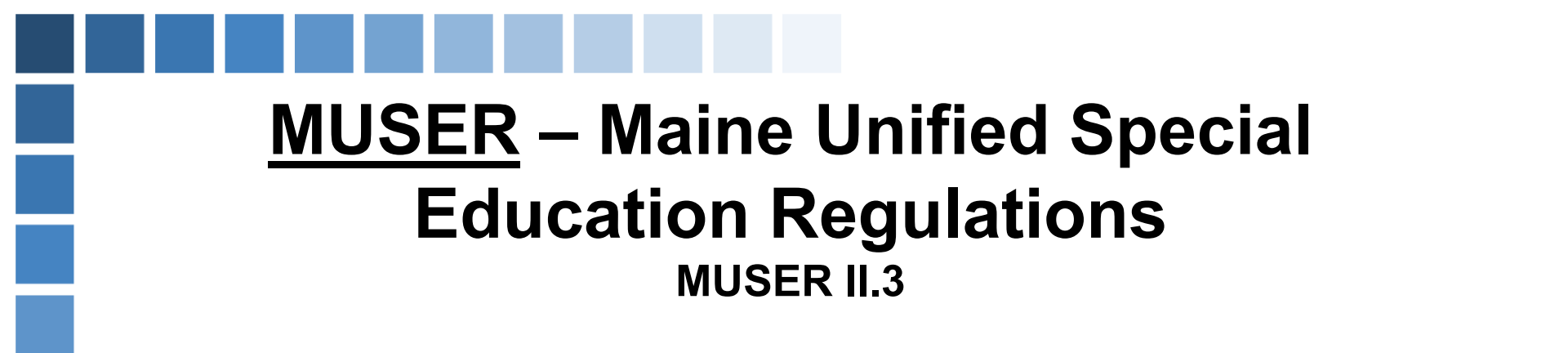
MUSER – Maine Unified Special Education Regulations

MUSER VII.2.A-M outlines all
Disability Categories, including the
Definition and the Procedure for Determination.



An Administrative Letter was issued January 21, 2021, outlining the Change in Ending Age for Special Education Eligibility

<https://mainedoenews.net/2021/01/21/administrative-letter-change-in-the-ending-age-for-special-education-eligibility-effective-immediately/>



MUSER – Maine Unified Special Education Regulations

MUSER II.3

Adverse effect/Adversely affects. *The word “adverse” commonly means “harmful, impeding, obstructing, or detrimental.” To “adversely affect” means to have a negative impact that is more than a minor or transient hindrance, evidenced by findings and observations based on data sources and objective assessments with replicable results.*

MUSER – Maine Unified Special Education Regulations

MUSER VII.2

A child must need special education. Although federal regulations do not define “needs,” the word commonly signifies something necessary, something exigent or the “lack of something essential.”

A child “needs” special education and related services when, because of the disability, the child can neither progress effectively in a regular education program nor receive reasonable benefit from such a program in spite of other services available to the child.

*The **need** is best established through evidence of a **distinctly measurable and persistent gap** in the child’s educational or functional performance that cannot be addressed through services or accommodations available through the general education program.*



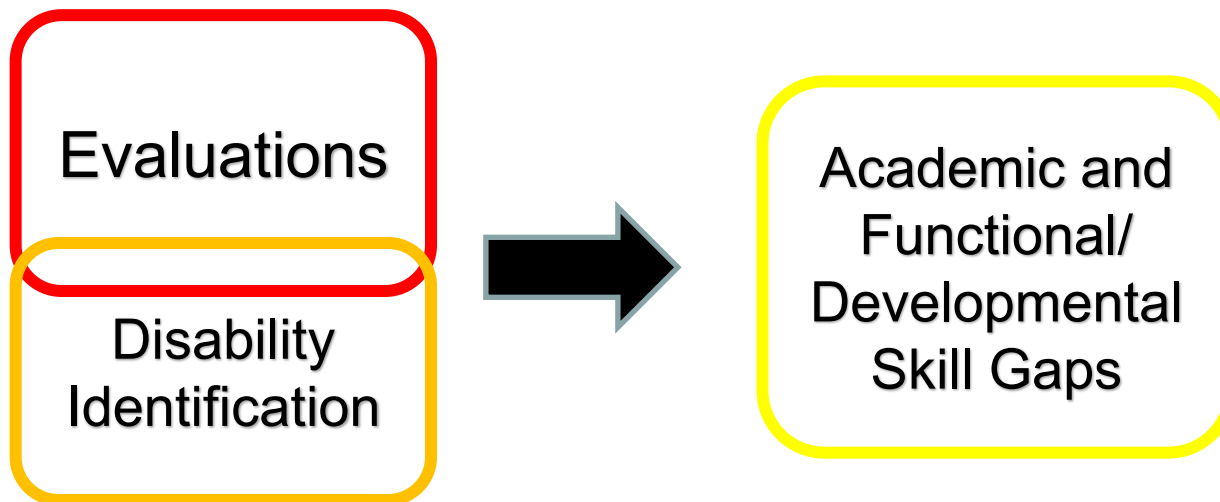
MUSER – Maine Unified Special Education Regulations

MUSER IX.3.A.(1)(a)(i)

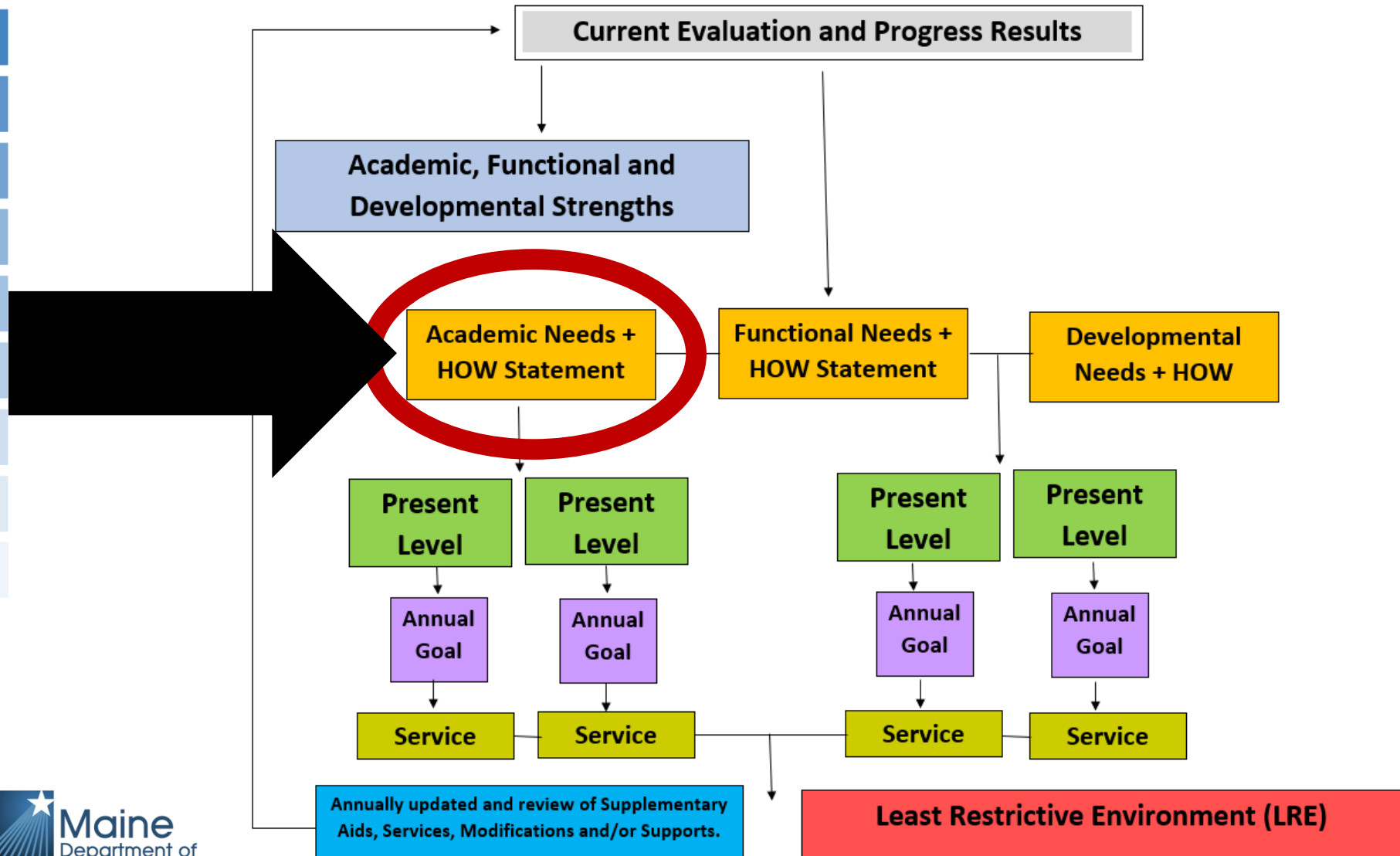
How the child's disability affects the child's involvement and progress in the general education curriculum;



Evaluations Determine Skill Gaps



Individualized Education Plan IEP Alignment



Section 4 – Academic and Functional/Developmental Evaluations, Strengths, and Needs (MUSER IX.3.C.(1))

4. ACADEMIC AND FUNCTIONAL/DEVELOPMENTAL EVALUATIONS, STRENGTHS, AND NEEDS (MUSER IX.3.C.(1))

A. Results of all initial evaluations or most recent evaluations of the child:

B. Beyond the evaluative information in **4A**, what are the academic, functional, and/or developmental **strengths** of the child?

C. Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **academic performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?

and **how** do they affect the child's involvement and progress in the general education curriculum?

E. If appropriate, what are the **developmental needs** of the child, and how do they affect the child's involvement and progress in the general education curriculum?

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Section 4C: ACADEMIC NEEDS AND “HOW” STATEMENT (Part B, ages 3-20)

- C. Based on evaluative information in 4A, what are the child’s distinctly measurable and persistent gaps in academic performance, and how do they affect the child’s involvement and progress in the general education curriculum?

This section is used to:

- Identify the child’s academic needs and how they affect the child’s involvement and progress in general education.

Directions:

- Identify (list) specific academic skill deficits that are to such a degree, that they need to be aligned to an annual goal and addressed through a provision of service. Academic skill deficits can be identified based on formal or informal evaluations, academic performance and observation, and formative and summative assessments. Ensure that each identified academic need is being addressed through at least one academic annual goal.
- For each Need, explain what it is about the child’s needs that prevent the child from being involved and making progress in the general education curriculum that affect the child’s participation in appropriate activities.

Example:

Reading comprehension impedes the child’s ability to comprehend grade level text and accurately provide details and events described in the text within the general education curriculum.

Academic

- Reading
- Writing
- Listening
- Speaking
- Mathematical Problem Solving



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Section 4C: Distinctly Measurable and Persistent Gaps in Academic Performance and “How” Statement

C. Based on evaluative information in 4A, what are the child's distinctly measurable and persistent gaps in academic performance, and how do they affect the child's involvement and progress in the general education curriculum?

Identification of the distinctly measurable and persistent gaps in Academic performance


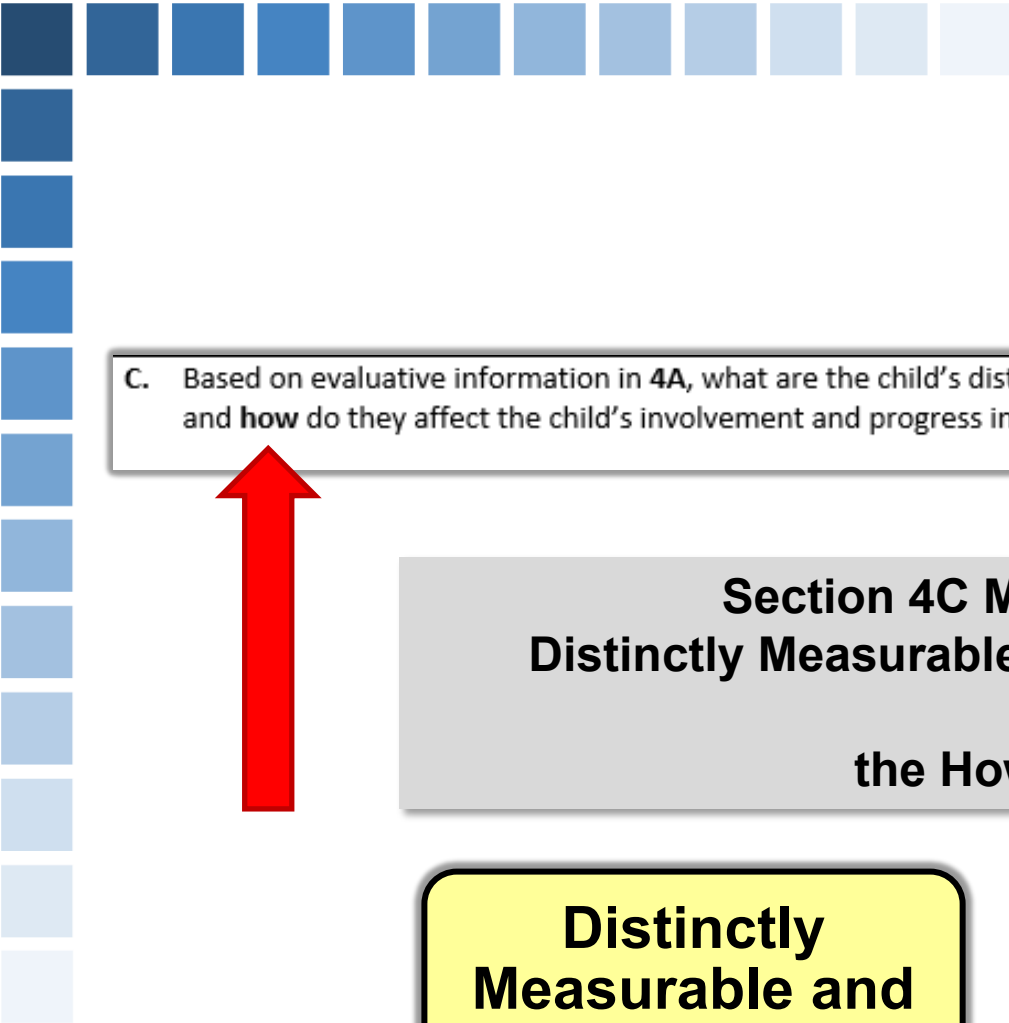
AND

How the deficit has an adverse impact on the child accessing the general education curriculum

Distinctly
Measurable
and Persistent
Gaps



How
Statement



C. Based on evaluative information in 4A, what are the child's distinctly measurable and persistent gaps in academic performance, and **how** do they affect the child's involvement and progress in the general education curriculum?



Section 4C **MUST** include *both*
Distinctly Measurable and Persistent Skill Gaps
AND
the How Statement

Distinctly
Measurable and
Persistent Gaps
(Needs)



How Statement

Skill Deficits/Gaps –

What are those specific areas?



- **Be very specific**
- **Do not include or reference:**
 - **Broad Academic Areas**
 - **Evaluation Results**
 - **Standard Scores**



Skill Deficits/Gaps –

What are those specific areas?

Consider the following:

Might Include (there are others) –

- Reading: Decoding, Encoding, Fluency, Comprehension, Sight Words, Phonemic Awareness, Vocabulary, etc.
- Writing: Sentence Structure, Paragraph Development, Organization, Details, Proofreading, etc.
- Listening/Speaking: Story Retell, Collaboration, Language, Context, Describe, Summarizing, etc.
- Mathematical Problem Solving: Addition/Subtraction, Multiplication/Division, Word Problems, Fluency, Measurement, etc.

How Statement – What is the Impact of the Disability?

Consider the following:

How do the skill deficits impact the child's:

- involvement in general education
- access to the general education curriculum
- progress in the general education curriculum



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**Distinctly
Measurable and
Persistent Gaps
(Needs)**



How Statement

Student Needs

How Statement

(Reading)
Jimmy's reading fluency deficits

impact his ability to access grade level reading material.

(Writing)
Sarah's spelling deficits

impact her ability to complete grade level writing prompts.

(Listening)
Michael's listening comprehension deficits

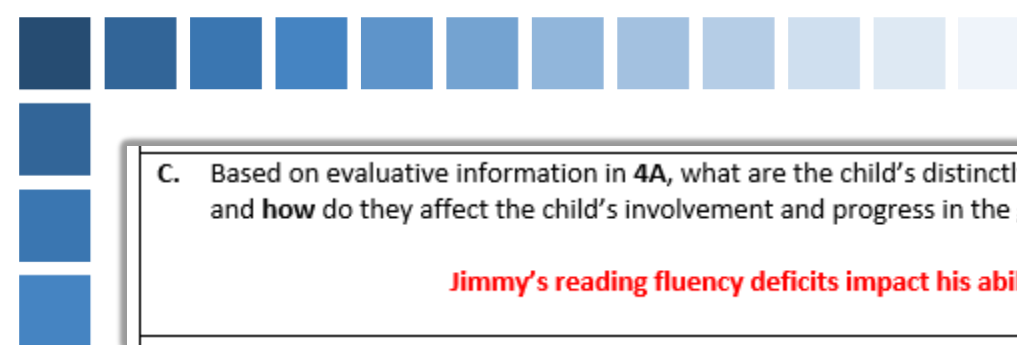
impact his ability to paraphrase and restate grade level material.

(Speaking)
Beth's inability to retell stories in a sequential manner

impacts her ability to engage with grade level material.

(Mathematical Problem Solving)
Tom's deficits in addition/subtraction

impacts his ability to participate in grade appropriate math activities.



C. Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **academic performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?

Jimmy's reading fluency deficits impact his ability to access grade level reading material.

C. Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **academic performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?

Sarah's spelling deficits impact her ability to complete grade level writing prompts.

C. Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **academic performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?

Michael's listening comprehension deficits impact his ability to paraphrase and restate grade level material.

C. Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **academic performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?

Beth's inability to retell stories in a sequential manner impacts her ability to engage with grade level material.

C. Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **academic performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?

Tom's deficits in addition/subtraction impact his ability to participate in grade appropriate math activities.

You could document **Skill Deficits**
(needs) in bullet form.
Remember your How statement as well.



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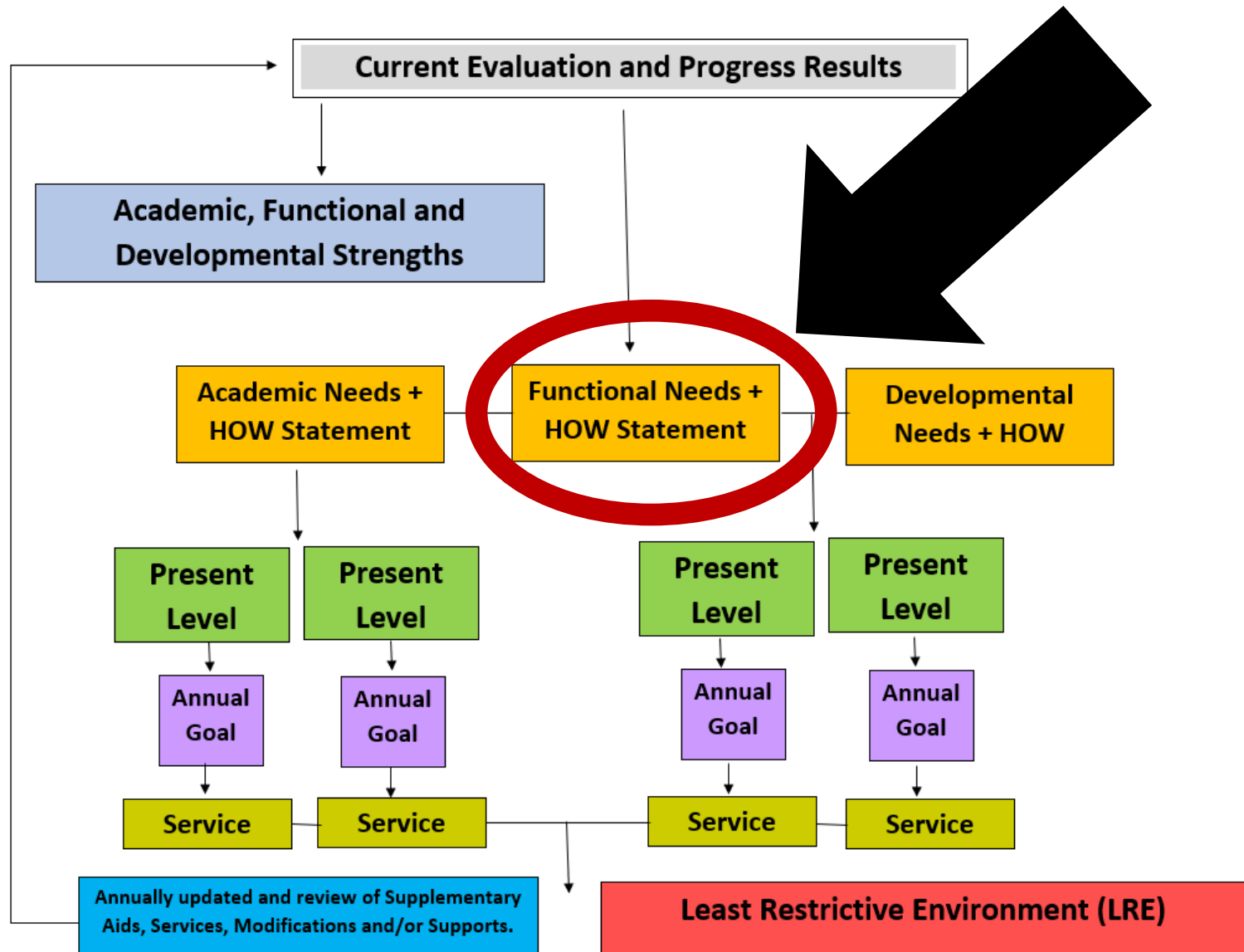
C. Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **academic performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?

- **Reading Fluency**
- **Spelling**
- **Reading Comprehension**



These deficits impact her ability to access and participate in all grade level Reading curriculum.

Individualized Education Plan IEP Alignment



Section 4 – Academic and Functional/Developmental Evaluations, Strengths, and Needs (MUSER IX.3.C.(1))

4. ACADEMIC AND FUNCTIONAL/DEVELOPMENTAL EVALUATIONS, STRENGTHS, AND NEEDS (MUSER IX.3.C.(1))

- A. Results of all initial evaluations or most recent evaluations of the child:
- B. Beyond the evaluative information in **4A**, what are the academic, functional, and/or developmental **strengths** of the child?
- C. Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **academic performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?
- D. Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **functional performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?

general education curriculum?

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Section 4D: FUNCTIONAL/DEVELOPMENTAL NEEDS AND “HOW” STATEMENT

D. Based on evaluative information in 4A, what are the child’s distinctly measurable and persistent gaps in **functional performance**, and **how** do they affect the child’s involvement and progress in the general education curriculum?

This section is used to:

- Identify the child’s functional/developmental needs and how they affect the child’s involvement and progress in the general education.

Directions:

- Identifies specific functional/developmental skill deficits that are to such a degree, that they need to be aligned to an annual goal and addressed through a provision of service. Functional/developmental skill deficits can be identified based on formal or informal evaluations, functional/developmental performance and observation, and formative and summative assessments. Related services (e.g. OT, Speech/Language) would be reflected in this section. Ensure that each identified functional/developmental need, including a need being addressed through a related service, is being addressed through at least one functional/developmental annual goal.
- For each Need, explain how the disability adversely affects the child’s access to the general education curriculum. This is not a restatement of LRE and should identify the how the child’s needs are adversely affecting his/her involvement in the general education curriculum.

Functional

- Cognitive
- Communicative
- Motor
- Adaptive
- Social/Emotional
- Sensory



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Section 4D: Distinctly Measurable and Persistent Gaps in Functional Performance and “How” Statement

D. Based on evaluative information in 4A, what are the child's distinctly measurable and persistent gaps in functional performance, and how do they affect the child's involvement and progress in the general education curriculum?

Identification of the distinctly measurable and persistent gaps in Functional performance

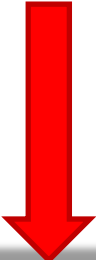
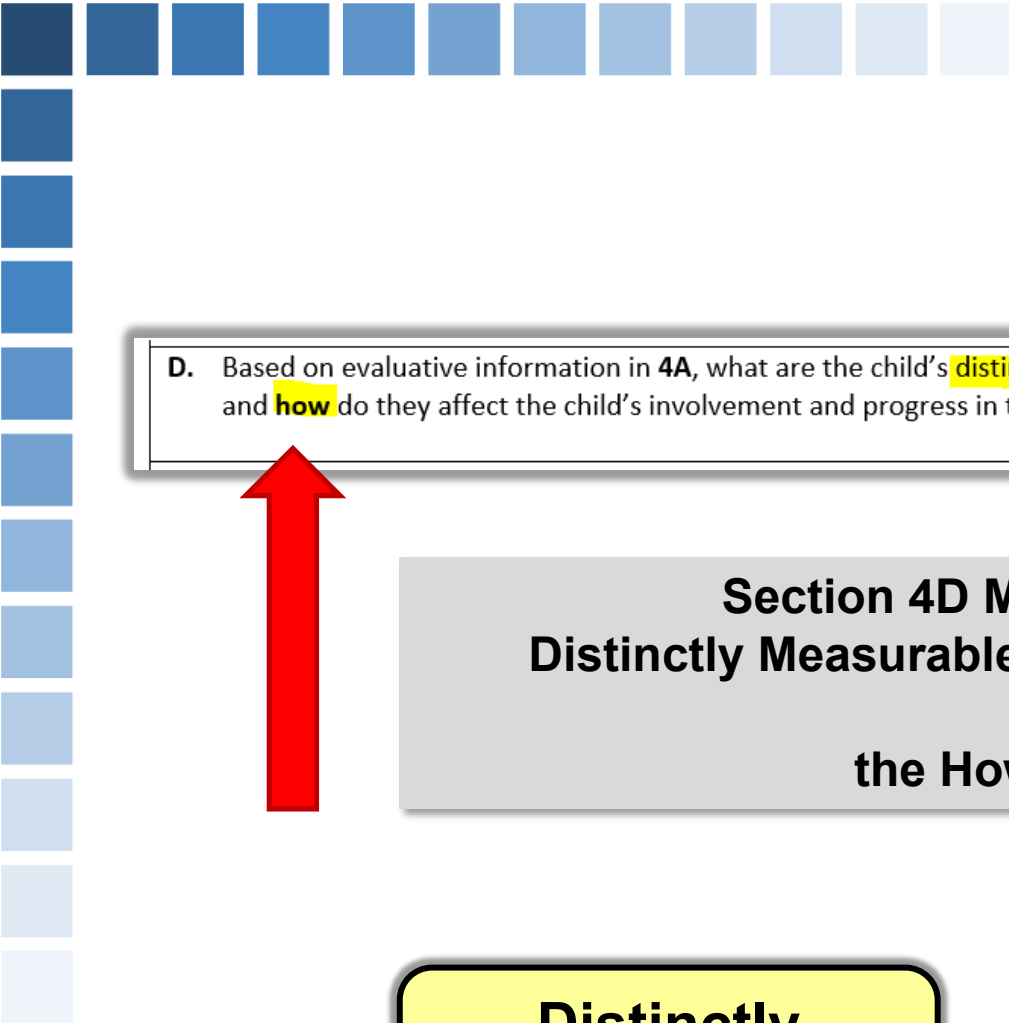
AND

How the deficit has an adverse impact on the child accessing the general education curriculum

Distinctly
Measurable
and Persistent
Gaps



How
Statement



D. Based on evaluative information in 4A, what are the child's **distinctly measurable and persistent gaps in functional performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?



Section 4D MUST include *both*
Distinctly Measurable and Persistent Skill Gaps
AND
the How Statement

Distinctly
Measurable and
Persistent Gaps
(Needs)



How Statement

Skill Deficits/Gaps –

What are those specific areas?



- **Be very specific**
- **Do not include or reference:**
 - **Broad Functional Areas**
 - **Evaluation Results**
 - **Standard Scores**



Skill Deficits/Gaps –

What are those specific areas?

Consider the following:

Might Include (there are others) –

- Cognitive: Problem Solving, Self Awareness, Peer Interaction, Self Initiation, etc.
- Communicative: Receptive Language, Expressive Language, Pragmatic Language, Articulation, etc.
- Motor: Fine Motor, Gross Motor, Coloring, Cutting, Walking, Stairs, etc.
- Adaptive: Toileting, Handwashing, Cooking, Eating, Dressing, etc.
- Sensory: Processing, Attention to Task, Self Regulation, Self Advocacy, etc.

How Statement – What is the Impact of the Disability?

Consider the following:

How do the skill deficits impact the child's:

- involvement in general education
- access to the general education curriculum
- progress in the general education curriculum



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Distinctly
Measurable and
Persistent Gaps
(Needs)



How Statement

Student Needs

How Statement

(Cognitive) Mary's deficits in problem solving	impact her ability to safely engage with peers at grade level.
(Communicative) Sarah's expressive language deficits	impact her ability to speak clearly with peers during play activities.
(Motor) Michael's fine motor deficits	impact his ability to maintain appropriate grasp on writing tools during writing time.
(Adaptive) Beth's deficits in personal care	impact her ability to engage socially with same aged peers.
(Social/Emotional) Tom's self regulation deficits	impact his ability to comprehend and apply social rules in the general education setting.
(Sensory) Barb's tactile defensiveness	impact her ability to stay on task in all grade level activities.

D. Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **functional performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?

Mary has problem solving deficits. These delays impact her ability to safely engage with peers at grade level.

D. Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **functional performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?

Sarah's expressive language deficits impact her ability to speak clearly with peers during play activities.

D. Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **functional performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?

Michael's fine motor deficits impact his ability to maintain appropriate grasp on writing tools during writing time.

D. Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **functional performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?

Beth's deficits in self-care impact her ability to engage socially with same aged peers.

D. Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **functional performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?

Tom's self-regulation deficits impact his ability to comprehend and apply social rules in the general education setting.

D. Based on evaluative information in **4A**, what are the child's distinctly measurable and persistent gaps in **functional performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?

Barb's tactile defensiveness impacts her ability to stay on task in all grade level activities.



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You could document **Skill Deficits**
(needs) in bullet form.
Remember your How statement as well.

D. Based on evaluative information in 4A, what are the child's distinctly measurable and persistent gaps in **functional performance**, and **how** do they affect the child's involvement and progress in the general education curriculum?

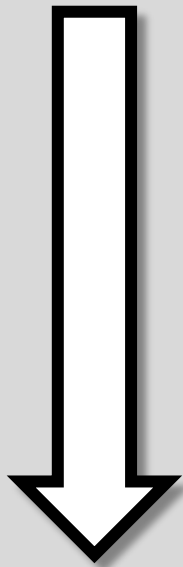
- **Self-Regulation**
- **Expressive Language**
- **Fine Motor**



These deficits impact his ability to engage socially with peers in all grade level activities and to complete grade level activities that require fine motor control.

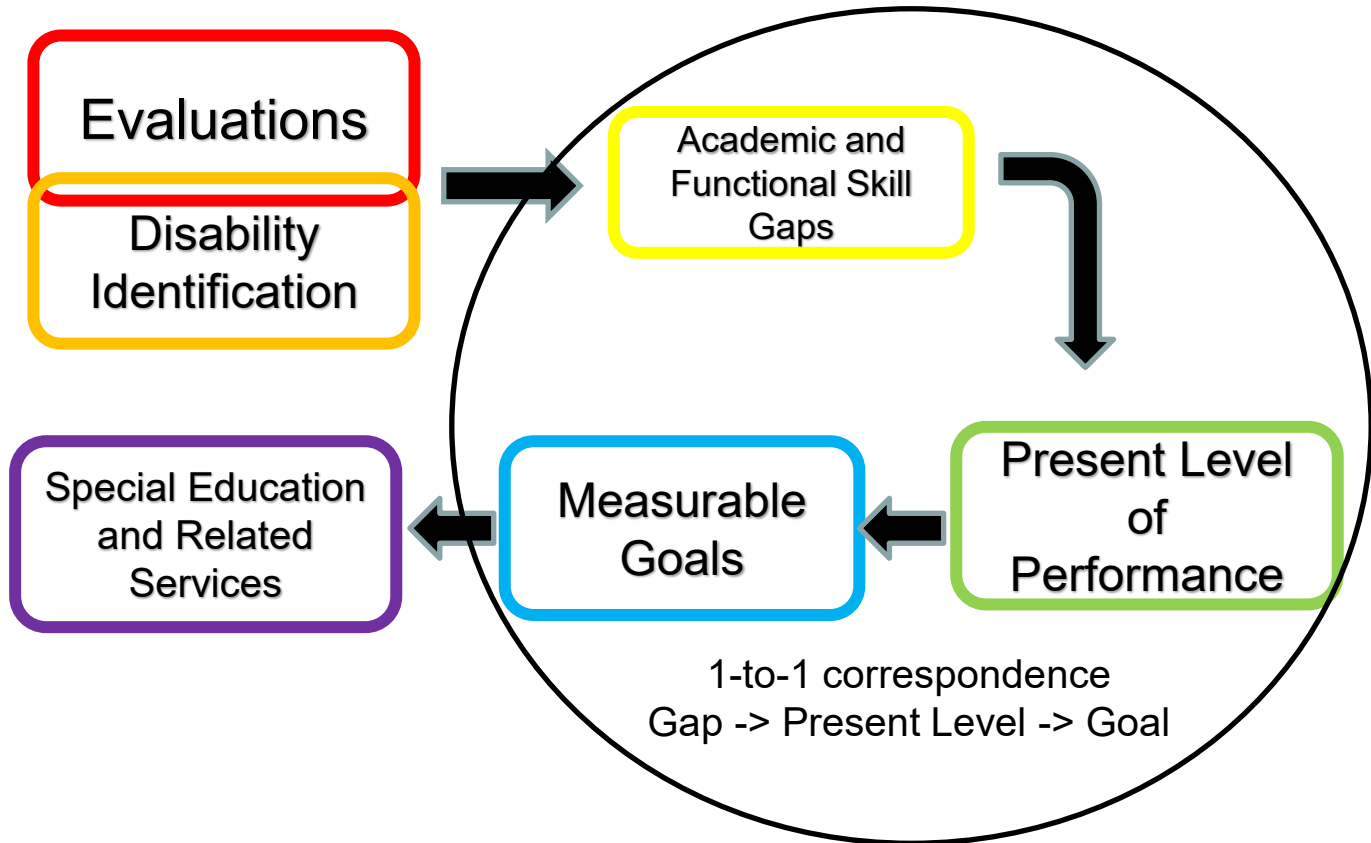


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Remember, if you've identified
Specific Skill Deficits,
they must Align
to ***Present Level***
to ***Goals***
to ***Services***

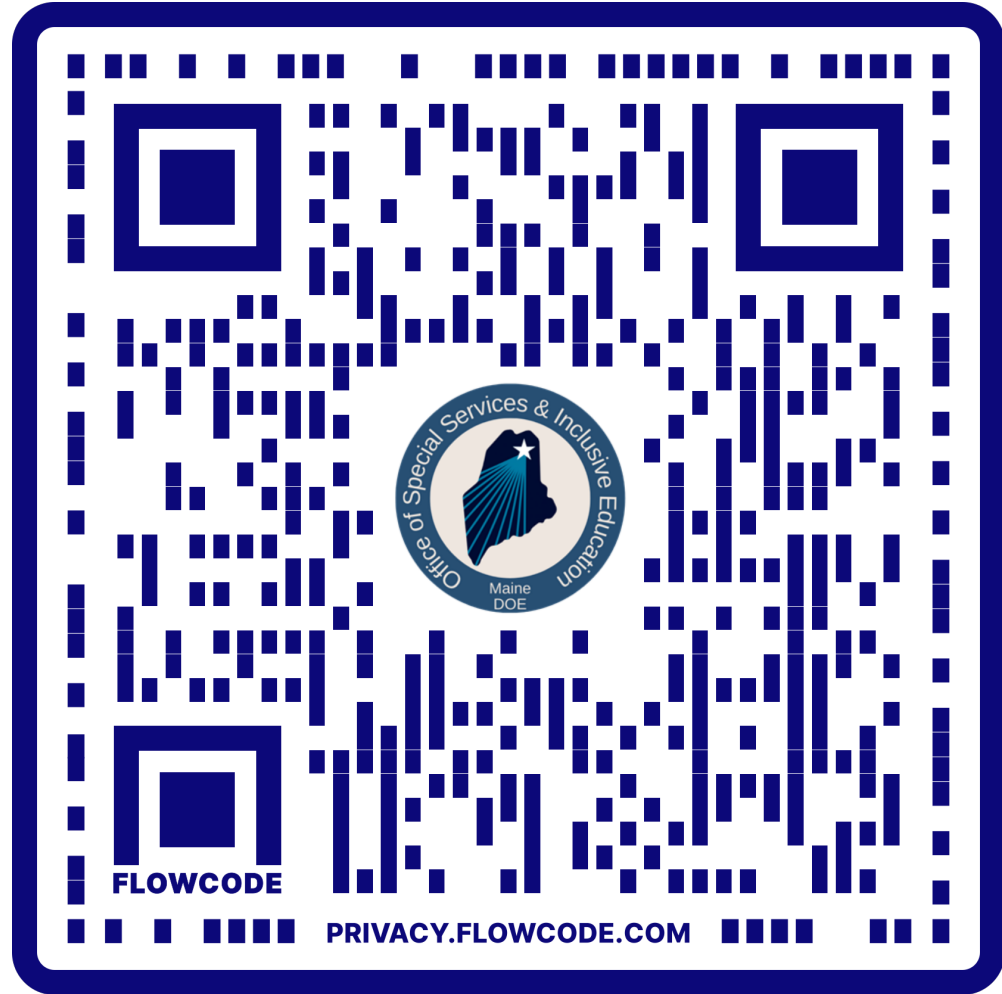
Alignment throughout the IEP document





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Questions?



**Use the QR Code to visit our website
for links to our contact information.**

Resources

Professional Development Calendar –

<https://www.maine.gov/doe/calendar>

Link for Recordings and Power Points –

<https://www.maine.gov/doe/learning/specialed/pl>

Special Education Resources –

<https://www.maine.gov/doe/learning/specialed/supervision>

Special Education Laws and Regulations –

<https://www.maine.gov/doe/learning/specialed/law>

Special Education Forms and Reporting –

<https://www.maine.gov/doe/learning/specialed/forms>

Professional Learning Feedback and Contact Hour Form



Feedback and Contact Hours

Complete this form to provide us with feedback and receive your contact hour certificate. Your feedback matters to us!

* Required

1

Did the training content meet your expectations? *

Yes

No

2

Do you feel that your knowledge or skills have improved with this PD? *

<https://forms.office.com/g/by472QQLDJ>



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Use the link to complete the form on your computer

OR

Use the QR code to complete the form on your mobile device

Feedback and Contact Hours

Complete this form to provide us with feedback and receive your contact hour certificate. Your feedback matters to us!

* Required

1

Did the training content meet your expectations? *

Yes

No



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