



# fast five

## Five Questions Answered about Educational Benefit Review



NCSI expresses sincere appreciation to staff from the state educational agencies (SEAs) in California, Connecticut, and Pennsylvania for sharing their educational benefit review experiences, materials, and resources with NCSI, which informed the development of this Fast Five.



» To see more “Fast Fives” in the RBAS collection, please visit:

<https://ncsi-library.wested.org/collections/166>

### 1. What is educational benefit and its history?

The intent of the “free appropriate public education” (FAPE) requirement of the Individuals with Disabilities Education Act (IDEA) is to provide individualized instruction to students with disabilities with sufficient supports and services that enable them to receive educational benefit. The 1982 Supreme Court decision in *Board of Education of Hendrick Hudson Central School District, Westchester County, v. Rowley*, 458 U.S. 176, introduced the concept of educational benefit in its “Rowley two-prong test” to determine whether students with disabilities have been provided with FAPE:

1. Has the board/state complied with the procedural requirements of IDEA? (procedural prong); and,
2. Is the individualized education program (IEP) developed through IDEA’s procedures reasonably calculated to enable the child to receive educational benefit? (substantive prong)

This question was not addressed until the 2017 Supreme Court ruling in the case of *Endrew F. v. Douglas County School District*, which outlined that “every child should have the chance to meet challenging objectives” and that the “adequacy of a given IEP turns on the unique circumstances of the child for whom it was created.” The Court went on to say that districts should “be able to offer a cogent and responsive explanation for their decisions that shows the IEP is reasonably calculated to enable the child to make progress in light of his circumstances.”

Yet a fundamental question remained: What level of educational benefit must districts provide to children with disabilities to meet the expectations of FAPE as guaranteed by IDEA?

### 2. What is an educational benefit review?

An educational benefit review process is a systematic way for school systems, families, and SEAs to review a student’s IEPs across multiple years and determine whether the IEPs were reasonably calculated to provide educational benefit, based on the student’s unique circumstances. This evaluation is typically done by comparing a student’s current IEP with IEPs from the two prior years.



# fast fives

### 3. What does the educational benefit review process entail?

SEAs, local educational agencies (LEAs), and other agencies may develop different approaches and templates for conducting an educational benefit review. According to materials from California, Connecticut, and Pennsylvania, there are typically four common steps to the process:

- **Step 1:** Review three consecutive years of a student's IEPs and document key pieces of information, including present level of performance, annual goals and modifications, needs or concerns, services and placement, growth/progress, and any adjustments or changes to the IEP across years.
- **Step 2:** Consider the relationship between these components of the IEPs. (See the following sample analysis questions to help guide this step.)
- **Step 3:** Analyze the student's growth and progress over time in relationship to the IEP components.
- **Step 4:** Look for patterns and assess the overall educational benefit to the student.

As teams analyze a student's IEPs across multiple years, they should consider a variety of questions. The following list of sample analysis questions includes the types of inquiries that are often explored as part of an educational benefit process. This list was compiled from resources developed by the California, Connecticut, and Pennsylvania departments of education.

#### Sample analysis questions:

- Were the student's current levels of performance for each academic, behavioral, and functional area clearly defined in specific, objective, and measurable terms?
  - » How did the current levels of performance reflect the student's progress over time?
- Did the IEP team identify needs that were related to the student's disability?
- Was there evidence that the goals and objectives informed the decisions regarding services and placement?
- Were data collected and analyzed to determine the exact progress a student made on each goal and objective?
  - » Did the student achieve his/her annual goal(s)?
- Were programs and services identified that supported and addressed all of the goals and objectives in the IEP?
  - » Were sufficient services provided to ensure that the student would make progress?
  - » Did the IEP team modify unmet goals to be achievable or modify services to enable the student to meet the goals they did not initially meet?
- Were assessments complete, and did they identify all of the student's needs, including postsecondary outcomes and/or career assessment/functional vocational evaluation for secondary students?
- Were the provided accommodations and modifications appropriate to the student's needs? How was this demonstrated?
- In reviewing the comparisons of the Present Levels of Academic Achievement and Functional Performance from Year 1 to Year 2 and from Year 2 to Year 3, if the student did not make progress, were the goals and objectives, transition activities, or programs and services in Year 3 changed in the IEP to facilitate the student's future progress?



# fast fives

## 4. Who should be involved in an educational benefit review?

Typically, school-level teams of educators engage in an educational benefit review process together, either independently or together with the SEA. Having multiple staff collaboratively review one student's IEP across three years provides different perspectives on the analysis questions. School and district administrators, including principals and special education coordinators, may also benefit from participating in the process as part of the review team. Similarly, inviting paraeducators, support personnel, and related service providers, as well as parents and family members, to participate may be helpful to the process. In essence, any adult involved in supporting the educational success of a child with a disability can serve as a valuable contributor to the team charged with examining and reflecting upon the characteristics of IEPs that increase student access, participation, and progress. Participating in an educational benefit review process can build the capacity of IEP team members to develop IEPs that are more likely to result in educational benefit.

## 5. How are states using educational benefit reviews to support LEAs?

Several states offer training to districts and families on educational benefit review, to deepen local capacity to develop and implement high-quality IEPs. For example, Connecticut offers training to all districts and parent organizations as part of the SEA's general supervision professional development offerings. Additionally, states often provide this training in the context of their differentiated monitoring and support system. For example, an SEA may provide direct training to selected districts around the educational benefit process in response to a review of data indicating that students with disabilities are not meeting performance objectives. This is the case in California. Jack Brimhall of the California Department of Education explained, "We use [this process] with the districts that need it most." California has chosen to target its educational benefit review training to districts identified through the state's monitoring system as needing the most intensive support, based on data. The state may identify noncompliance as part of this process, but the training is primarily intended as a technical assistance opportunity. When the state has the

capacity, it also provides educational benefit review training, at a universal level, to any district that is interested, much like Connecticut.

In Pennsylvania, districts receive training and support on the educational benefit review process as part of the state's cyclical monitoring process. Districts in the monitoring cohort complete an educational benefit review of 10–12 student files, and the state reviews the files afterward. The state issues corrective actions if noncompliance is identified, although, like California, the focus of the activity is on supporting districts to deepen their abilities to produce high-quality IEPs that result in educational benefit for students.