

# *Tips from the Special Education Division: Progress Reporting*

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State and federal special education regulations require that every IEP include a description of:

- How the child's progress toward meeting the annual goals will be measured; and,
- When periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.

The measurement of progress is essential to determining whether a student with a disability is receiving educational benefit from the district in accordance with the public agency's obligations to provide a free appropriate public education (FAPE). As a result, the regulations enumerate a number of IEP requirements for measuring student progress. This updated Tip explores these requirements through the lens of the *Andrew F.* decision and provides more information about and examples of IEP progress reporting.

## **Andrew F. Background**

On March 22, 2017, the U.S. Supreme Court issued a decision in the [Andrew F. v. Douglas County School District](#) case. The Court held that "To meet its substantive obligation under the IDEA, a school must offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances." The ruling did not define the phrase "progress appropriate in light of the child's circumstances;" however, the decision emphasized that the IEP decision-making process must be individualized and produce challenging objectives.

The court went on to say a child's "...educational program must be appropriately ambitious in light of his circumstances, just as advancement from grade to grade is appropriately ambitious for most children in the regular classroom. The goals may differ, but every child should have the chance to meet challenging objectives." In its 2017 guidance on *Andrew F.*, the United States Department of Education (ED) emphasized the responsibilities of districts to improve students' academic outcomes, monitor progress, and train administrators and teachers on how to write appropriate IEPs that meet the definition of FAPE. It also emphasized the importance of ambitious goals, regardless of the nature of the student's disability. (See [Questions and Answers on U.S. Supreme Court Case Decision Andrew F. v. Douglas County Sch. Dist.](#))

The Court also stated that:

The nature of the IEP process ensures that parents and school representatives will fully air their respective opinions on the degree of progress a child's IEP should pursue; thus, by the time any dispute reaches court, school authorities will have



had the chance to bring their expertise and judgment to bear on areas of disagreement. At that point, a reviewing court may fairly expect those authorities to 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 appropriate in light of his circumstances.

Given the Court's opinion, school districts should be prepared to provide evidence that a student's IEP is reasonably calculated to enable the child to make progress appropriate in light of his/her unique circumstances.

## Measurable IEP Goals

Whether an IEP is reasonably calculated to provide educational benefit is determined prospectively (in consideration of the child's potential). One way for school districts to show that an IEP is reasonably calculated to enable a student to make appropriate progress, is to regularly assess and document student progress towards each IEP goal, including postsecondary transition goals,<sup>1</sup> and provide parents with detailed progress reporting. Difficulty collecting data on an IEP goal may indicate that the goal is unclear and not objectively measurable. One suggestion is that a well-written IEP goal should pass the "stranger test." Under that test, an IEP goal is appropriate if a person unfamiliar with the IEP would be able to implement the goal, implement the assessment of the student's progress on the goal, and determine whether the student's progress was satisfactory.

While the IDEA does not define what progress reporting must include, the purpose of progress reporting is to inform parents of the amount of progress a student has made toward his/her annual IEP goals. Parents and school personnel alike should be able to easily understand how much progress a student has made when reading a descriptive progress report. In order to avoid confusion and ambiguity:

- **Avoid only using codes** (e.g., 1, 2, 3, 4, SP, NP, MP, etc.) to report a student's progress. If using codes, also include the progress data in an accompanying narrative.
- **Include actual information/data** as stated in the goal about the student's progress toward his/her goals.

In addition, districts must provide progress reporting consistent with the timelines included in a student's IEP, which may coincide with the progress reporting timelines associated with their general education peers, such as the issuance of report cards; however, IEP teams may also wish to provide parents with progress reporting more often, depending upon the team's determination and/or how the school year is structured. Districts should also be able to document that (when and how) progress reporting was provided to parents.

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<sup>1</sup> OSEP [Letter to Pugh](#) (01/18/17)

## Examples of Descriptive Progress Reporting

To determine the effectiveness of specially designed instruction and the progress a student has made, frequent analysis of data is critical. The analysis of data is essential when reporting progress to parents and should be more than a statement indicating that the student is or is not making progress. The analysis should include the student's progress in meeting the measurable annual goal (including postsecondary goals), including starting and ending data points for that grading period. In addition, any instructional changes that occurred during that grading period and the reason they occurred should be noted. If any significant decreases or increases occurred during the grading period, an explanation should be provided. Following are examples of progress reporting with analysis of data for both elementary and secondary age students.

1. Example of elementary student not progressing:

*Annual IEP Goal: By September 5, 2019, Shandra will increase her reading fluency from 52% CWM to 95% CWM in her grade level literacy text over four weekly data points.*

Progress Reporting narrative might for one reporting period look something like this:

Shandra is currently not on target to meet her goal. Her data indicated that an instructional change was needed due to scores dropping from 52% to 45%. On 11/25/2018, Repeated Reading was added as a strategy to teach reading fluency. After three more data points, Choral Reading was added (01/5/2019) as another instructional change due to scores dropping from 50% back down to 45%. Since this strategy has been implemented, Shandra has increased to 48% (from 45%). Progress will continue to be monitored utilizing this instructional strategy.

2. Example of middle school student progressing:

*Annual IEP Goal: By June 15, 2019, Charlie will increase his reading comprehension of his grade-level English literature text, from 4 out of 10 correct comprehension questions to 9 out of 10 comprehension questions correct as measured by teacher administered weekly comprehension probes.*

Progress Reporting narrative for one reporting period might look something like this:

At the beginning of the reporting period in September, Charlie was not making progress toward his goal. On October 15, due to scores of 49%, 48%, 45% and 48%, paired reading was added as an instructional strategy to increase reading fluency and comprehension. Since that strategy began, Charlie has increased his comprehension scores to 62%. However, the two most recent data collection opportunities have shown a slight decrease. This dip could be due to Charlie missing several days of school

with the flu. This strategy will continue being implemented and progress will continue to be monitored weekly.

3. Example of high school student not progressing:

*Annual IEP Goal: By March 25, 2019, Karen will increase her adaptive skills performance in a school setting from 18/24 points on (a specific) adaptive skills checklist to 23/24 points on the attached adaptive skills checklist.*

Cumulative (four reporting periods) progress reporting narratives might look something like this:

- April 2018 – Karen’s IEP was created two weeks ago; there has not been enough time to measure her progress toward this goal. Her performance is still at baseline of 18/24; she will continue to work on her adaptive skills.
- June 2018 – Karen is currently scoring an average of 19/24 points on the adaptive skills checklist.
- November 2018 – Karen is scoring an average of 20/24 points on the adaptive skills checklist.
- February 2019 – At this time, Karen is scoring 19/24 points on the adaptive skills checklist. There has been some regression in Karen’s progress toward this goal. The IEP team will discuss her progress at the upcoming IEP meeting next week.

4. Example of high school student making some progress:

*Annual IEP Goal: By May 28, 2019, when given a writing sample, Nicholas will copy the sentences using a keyboard, improving keyboarding skills and speed from typing an average of 74 correct characters per minute (CCM) over three weekly trials, to typing an average of 90 CCM over four weekly trials.*

Cumulative (four reporting periods) progress reporting narratives might look something like this:

- June 2018 – This is a recent goal and Nicholas continues to work at a baseline of 74 CCM.
- November 2018 – Nicholas demonstrated an average typing speed of 94 correct characters in one minute. Nicholas will continue to work on this goal to ensure consistency of typing speeds as well as generalizations to other typing assignments.
- February 2018 – Over the last four trials, Nicholas demonstrated an average of 101, 97, 99, and 83 correct characters per minute. Nicholas has been practicing typing across his school day and practices his typing skills during tutorial period. He will continue to work on typing for a variety of purposes to increase his level of typing consistency.

5. Example of a high school student progressing:

*Annual IEP Goal: Given a list of five sports-degree programs, Maria will research and orally compare admissions processes and entry requirements using irregular comparison (good/better/best) from 0/5 to 5/5 programs, as measured by teacher data by 6/19/19.*

*Related Post-Secondary Education/Training Goal: After graduation, Maria will attend a vocational or college program in sports medicine or athletic training program.*

Cumulative (four reporting periods) progress reporting narratives might look something like this:

- October 2018 – Maria has identified four of the programs she is interested in researching. The Career Center provided Maria with the computer research tools she needed to identify sports-degree programs.
- January 2019 – Maria has identified five programs and has successfully researched 2/5 programs for admission processes and entry requirements. Maria was provided instruction in irregular comparisons.
- March 2019 – Maria has identified five programs and has successfully researched 4/5 programs for admission processes and entry requirements. Maria orally practiced irregular comparisons with three programs and then four programs. Maria has started her PowerPoint presentation.
- June 2019 – Maria identified the fifth sport-degree program and successfully researched 5/5 programs for admission processes and entry requirements and added it to her PowerPoint presentation. In April, Maria successfully presented a summary of each program in an oral and PowerPoint presentation during her Junior Advisory class. She summarized her presentation by rating the five programs as good/better/best based on the admission processes and entry requirements. In May, she identified three programs in which she is interested in applying and updated her High School and Beyond Plan with this information. She has begun applications to the three programs that are of interest to her and for which she meets entry level requirements. During Maria's senior year, it is anticipated she will complete the applications and work with her counselor to identify scholarships for which she is eligible to apply.

6. Example of a high school student reaching a goal:

*Annual IEP Goal: Given a variety of tasks related to his post school employment goal that are to be completed after the school day, (such as homework), Brian will prioritize the tasks, develop a timeline for completion, and record the completion of the task from 20% to 80% by 6/19/19 as measured by teacher and student data.*

Related Post-Secondary Employment goal: *After graduation, Brian will obtain a paid apprenticeship as a welder or work as an auto mechanic.*

Cumulative (four reporting periods) progress reporting narratives might look something like this:

- October 2018 – Brian is resisting participating in this goal. He states he does not see how this relates to his goal of being a welder or auto mechanic. The IEP team, led by Brian, will reconvene to discuss the importance of this goal with the lead instructor from the welding class invited to speak to the need for this skill.
- January 2019 – Brian worked with IEP case manager to reconvene the team in November. Brian is now progressing well with this goal. He develops a list of four activities a week that he needs to complete away from school, including such things as organizing personal information for applications, completing homework, pricing items needed for training, and planning transportation to and from events and appointments. He uses a digital calendar to organize his tasks, and checks them off when completed. He is completing the process with 60% success and connects with the lead teacher of the welding class twice a month to discuss outcomes and next tasks. The teacher and Brian review his calendar at the beginning and end of each week to measure progress.
- March 2019 – Brian is now independently scheduling up to eight tasks per week with a completion rate of 75% as measured by weekly meetings with the teacher to review task completion.
- June 2019 – Brian has reached his goal.

7. Example of a high school student progressing:

Annual IEP Goal: *Given a bus schedule, Kimo will identify which bus and time she will take to and from work from 10% to 90% accuracy as measured by teacher/family data by 6/19/19.*

Post-Secondary Independent Living Goal: *Upon completion of high school, Kimo will use public transportation system for access to work and community events.*

Cumulative (four reporting periods) progress reporting narratives might look something like this:

- October 2018 – After 20 days of instruction, Kimo is able to identify one of the two bus numbers she needs to take to get to her volunteer work site at the nursing home with 70% accuracy.
- January 2019 – Kimo is now able to identify both bus numbers she needs to take and the time to leave to go to work with 75% accuracy. She is still having difficulty with the return times and bus numbers at the end of her volunteer shift.

- March 2019 – Kimo is able to independently identify and ride the two buses she takes to her volunteer job. She is only 65% successful with her return bus ride home after her shift.
- June 2019 – Kimo remains independent in the bus ride to her volunteer job, and now only needs a brief verbal and pictorial reminder of her bus rides home (80% success rate).

## What If the Student is Not Making Progress?

If a student fails to make progress within a reasonable period of time, the district must convene an IEP meeting to address the student's lack of progress ([34 CFR 300.324](#) (b)(ii)(A)). A district's continuation of inadequate services will almost certainly be regarded as a denial of FAPE.

Districts also need to monitor each student's performance under his/her IEP and track whether the student is in fact making such improvement. If progress that is appropriate given the student's potential is not occurring, the IEP team should determine whether the student requires new or different special education, related services, or interventions and should consider whether the goals remain sufficiently individualized and ambitious for the student.

*Andrew F.* reinforced that an IEP, including goals, must be based on a student's unique needs. Where goals are inappropriate in light of the student's abilities or are identical to goals from prior IEPs, it may be an indication that the student has not been offered FAPE or is not making progress. Following the *Andrew F.* decision, districts should even more carefully consider the appropriateness of repeating goals from year to year. In the [Question and Answers](#) document, ED wrote that districts must implement policies, procedures, and practices related to: 1) identifying present levels of academic achievement and functional performance; 2) the setting of measurable annual goals, including academic and functional goals; and 3) how a child's progress toward meeting annual goals will be measured and reported, so that the *Andrew F.* standard is met for each individual child with a disability.

## Summary

If you have concerns about progress reporting in your school district, you may wish to conduct an internal progress reporting review. Randomly choose a number of students from each school, each case manager, or each grade level and check to see if:

- Progress reporting has been completed for each IEP goal (including postsecondary transition) and contains sufficient detail to inform parents.
- Progress reporting has been sent to parents at the times stated in the IEP and the district maintains documentation of the reporting.
- Progress reporting provides current information about the student's progress toward their annual IEP goals.

The need for school districts to set ambitious goals in light of the student's circumstances and document and demonstrate student progress are key takeaways from this most recent Supreme

Court decision. While *Endrew F.* did leave the *Rowley* standard<sup>2</sup> largely intact, districts are reminded that descriptive progress reporting is an essential component of providing a FAPE and is often used in determining the level and impact of noncompliance (e.g., procedural or substantive (impacts the student's FAPE)). Additionally, when students are not making appropriate progress, IEP teams must take steps, including reconvening the IEP team, to ensure that they are providing FAPE.

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<sup>2</sup> *Rowley* held that an IEP must be reasonably calculated to enable the child to achieve educational benefits.