

Importance of Daily Data Collection

Arguably, the question most asked by parents regarding their child's schooling is a simple one: "How is he/she doing?" Parents are concerned with how their child is progressing in mastering the material, keeping up with the teacher's assignments, and grade-level expectations. Parents of special education students are no different. They too want to know how their son or daughter is doing in school. However, because of the challenges that special education students face, the answer to this simple question is often more complicated.

The complexity is due to the difficulty in gauging "progress" among special education students. Pursuant to the Individuals with Disabilities Education Act (IDEA), each student with a disability must receive a free appropriate public education (FAPE). According to *Board of Education v. Rowley*, 458 U.S. 176, 192 (1976), the educational services provided in an individualized education plan (IEP) must allow for meaningful progress toward an attainable goal. In order to comply with the requirements of IDEA and the standard set forth in *Rowley* (that educational benefit should be "meaningful"), courts have attempted to define a standard by which to measure a "meaningful" educational benefit.

In *Polk v. Central Susquehanna Intermediate Unit 16*, 853 F.2d 171 (3rd Cir. 1988), the court held that a school district's IEP did not provide the student FAPE. The court ruled that a student's IEP must be "likely to produce progress, not regression or trivial educational advancement."

Undeniably, this minimal educational requirement must be viewed on a case by case basis as the disability of each student poses unique challenges. More important than advancing from grade to grade is whether the student made more than trivial progress toward his or her IEP goals. Some students, due to the extent of their disabilities, will never be able to perform at grade level and will require several years to achieve what would be a year's worth of progress to a non-disabled student. *Conklin v. Ann Arundel County Bd. Of Ed.*, 946 F.2d 306, 316 (4th Cir. 1991). "Progress" for a special education student has more to do with advancing toward IEP goals than performing at grade level.

How, then, should parents of a special education student determine whether their child is making "more than trivial progress" toward his or her IEP goals? The answer is through testing, data collection, and interpretation; the most accurate way to assess educational benefit or regression is through changes in test scores over time. The starting point for the development of any IEP is a complete evaluation to determine the present levels of educational performance in all areas "academics, behavior, and social skills" with a potential impact on the student's achievement. The appropriate assessment of these areas provides the baseline data from which all future progress can be measured. Parents and administrators should be careful, therefore, when incorporating the present levels into the IEP, that they identify specific skills and/or deficits of the student. Vague general and subjective statements should be avoided.

While the present levels of educational performance are the starting point, an IEP also includes touchstones to be reached along the way. The Individuals with Disabilities Education Act mandates that each IEP contain a listing of annual goals. The IEP must also include a statement of how the student's progress toward goals and objectives will be measured. 34 C.F.R. 300.347(a)(7).

Also according to IDEA, annual goals are "statements that describe what a child with a disability can reasonably be expected to accomplish within a 12 month period in the child's special education program." Short-term instructional objectives are "measurable, intermediate steps between the present levels of educational performance...and the annual goals that are established for the child." Ideally, an IEP will also include a number of classroom instructional objectives, which are the building blocks of the short-term objectives.

Progress toward these goals can be measured by the student's performance of the individual short-term objectives or through other means, as determined by the IEP team. The data accumulated from these measurements will be used to assess the student's progress.



Beyond formal testing, there are two other primary methods of data collection: daily data collection and “probing.” Data collection assesses special education students’ mastery of a daily task (eg, word pronunciation), with the teacher recording the results and noting anomalies in any aspect of the task. It is a more informal approach. Probing, on the other hand, occurs on a pre-determined basis and only assesses a single aspect of a given task. It is more structured and formal in nature.

Data collection provides an important objective picture of the student’s abilities and should be used instead of the subjective opinions of teachers and parents in making educational decisions for the IEP. All important decisions should be data driven. In other words, there should be a data-based reason that a particular IEP goal or objective would remain the same or be changed. Parents who want to take an active role in their disabled child’s education need to learn about the various assessments and data collection techniques used for their child.

A parent who wants to participate in the development of an appropriate special education program must have a thorough understanding of the child’s strengths and weaknesses. If that parent believes that the school’s IEP is inadequate, the data collected from the child’s teachers may provide the best source of objective evidence to support the parent’s position. Understanding what the various data mean and how they pertain to a child’s abilities can help a parent become a better advocate for his or her child and ensure that the child receives an educational benefit that is truly meaningful.

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