



Special Education

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Questions and Answers on Individualized Education Program (IEP) Development, The State's Model IEP Form and Related Documents - Measurable Annual Goals -Updated April 2011

The following questions and answers address some of the important issues raised by requests for clarification of the federal and State requirements for IEPs. This document will periodically be updated. This guidance does not impose any requirements beyond those required under applicable law and regulations. This document supersedes any previously issued guidance on this topic.

If you have questions regarding the IEP form and related requirements, you may submit them to the following mailbox: SEFORMS@mail.nysed.gov.

1. Does a district have to include annual goals specifically for a related service? (Revised 3/11)

The Committee must make a recommendation as to the student's annual goals to address his or her needs as identified under present levels of performance. Once these goals have been identified, then the Committee must discuss and recommend special education program and services, including related services, to be provided for the student to advance appropriately toward attaining the annual goal(s).

2. Who is responsible for developing goals for a preschool child with a disability, the district, provider, or the evaluator?

The CPSE must develop an IEP which includes measurable annual goals and short-term instructional objectives and benchmarks.

3. Can a teacher/provider choose to include objectives or benchmarks in the IEP of a student who is not eligible for NYSAA or a preschool student with a disability?

If a school district chooses to include short-term instructional objectives and benchmarks in the IEPs of other students, it should do so based on an established district policy that uses consistently-applied criteria for determining which students will have short-term instructional objectives and benchmarks included in their IEPs. Such a decision should not be left to individual teachers/providers.

4. Who is responsible for implementing and monitoring progress on each goal?

Each individual teacher/provider responsible for providing instruction to assist the student to meet the goal should have responsibility for progress monitoring of that goal. Where there is a question as to who has responsibility for monitoring the student's progress toward the annual goal, it should be discussed with the Committee Chairperson to ensure that the appropriate provider(s) have a clear understanding of their responsibility in that area.

5. What happens if monitoring of progress toward goals shows that the student is not making the expected/desired progress?

If a student is not making sufficient progress to achieve his/her annual goals, the Committee must review the goals and services and, as appropriate, revise the IEP to ensure that the student is being provided with the appropriate supports and services to achieve meaningful and appropriate goals.

6. Is the schedule when you review the data collected by method or procedure or when you implement the procedure?

Evaluation schedules state the date or intervals of time when the evaluation procedures will be used to measure the student's progress toward the annual goal.

7. Do benchmarks and objectives need to have criteria/method and schedule or are these components only needed for the Annual Goal?

While each measurable annual goal must include the evaluative criteria, evaluation procedures and schedules to be used to measure progress toward meeting the annual goal, short-term instructional objectives and/or benchmarks are not required to include these components.

8. Can a district add a subheading to the Measurable Annual Goals section of the IEP in order to indicate the particular service type that the goal pertains to? (Added 4/11)

Goals are developed for the student, not the service provider. However, if a district wants to group annual goals by the need area (e.g., speech and language) they may do so. However, the form may not be modified to insert service type. The program and service recommendations to assist the student to meet the goals are documented in the next section of the IEP, not under the goals section.

9. Should the Committee develop goals at the IEP meeting/annual review or do it after the meeting and just send the IEP home after the fact? (Added 4/11)

Section 200.4(d)(4) of the Regulations of the Commissioner of Education requires that IEP recommendations be developed in meetings of the Committee. Pursuant to section 200.4(d)(2)(iii), IEP recommendations must include a list of measurable annual goals. Section 200.4(d)(2)(v) requires that the IEP indicate the recommended special education program and services that will be provided to the student to advance appropriately toward attaining the annual goals. Therefore, it is inappropriate and inconsistent with regulations for the Committee to develop its goals "after the meeting and just send the IEP home after the fact."

While the Committee members may bring draft recommendations for IEP goals to the meeting, the meeting must include a discussion and recommendation of the annual goals that will be included in the meeting.

10. In the GENERAL DIRECTIONS TO USE THE STATE'S MODEL IEP FORM, pages 12 and 13, the following two sample annual goals are provided:

Dawn will remain in class for 45/50 minute periods, requesting a 'break' from class work not more than three times per class period.

Criteria: 5 out of 7 class periods per day over 5-week period.

Method: daily charting of time in class.

Schedule: monthly

Given reading passage at the 2nd grade level, Mike will orally read 100 words per minute with no more than 6 errors.

Criteria: 8 out of 10 trials over 3 consecutive weeks.

Method: reading curriculum based on oral reading fluency probes.

Schedule: every two weeks.

These two examples illustrate an issue that we are struggling with. For the first goal, is it logistically possible to measure something monthly to see if the student can perform it over a

5-week period? For the second goal, is it logistically possible to measure something over a two week period to see if the student can perform it over 3 consecutive weeks? It seems to us that the Schedule period would at the very least need to be the same as the period within the Criteria Measure – never shorter (otherwise it simply does not fit within that period). Moreover, unless the period within the Criteria Measure is shorter than the Schedule period, the Period When Progress Will Be Measured would be occurring continuously throughout the school year. An example that seems consistent with our thinking would be measuring every quarter to see if a student can perform the task at the level of success desired over, say, a two week period. The time up to that two-week period would consist of instruction and not, per se, progress measurement. (Added 4/11)

The criteria, method and schedule in the General Directions to Use the State's Model Individualized Education Program (IEP) Form are provided as examples of each term. In the first example above, each month a review of the student's progress will occur, looking at student data for the preceding five weeks. In the second example, a review of student progress will occur every two weeks, reviewing a student's progress for the preceding three weeks. A school district could opt to measure progress on a different schedule.

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