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SAMPLE WORK PRODUCT

Strategy Brief

IN THE MATTER OF

Nora Bell's IEP

Riverbend Central School District

PREPARED FOR	Dana Bell
STUDENT	Nora Bell — age 8, third grade
SCHOOL / DISTRICT	Meadow Lane Elementary · Riverbend Central School District
PREPARED BY	Joseph Fiore, Esq.
DATE	May 12, 2026
DOCUMENTS REVIEWED	• Nora's Individualized Education Program (IEP), dated March 12, 2026, which takes effect September 8, 2026. • The district's reevaluation of Nora, dated January 26, 2026: psychological testing by M. Okafor, Ph.D., and a reading assessment by E. Patel, M.S.Ed.

Fictional sample. The student, family, school, district, records, and case events are invented. The legal authorities are real.

THE SHORT ANSWER

You are right to be concerned. The district's own records show that Nora's independent reading has barely improved, and its evaluators identify the instruction she needs. The March IEP leaves that instruction out.

Your next move: ask the Committee on Special Education—the CSE—to meet in June and revise the IEP to include the recommended daily reading instruction. Ask for a start date before September and a decision about summer services now.

You do not need a new diagnosis or another report to make this request. The strongest evidence is already in the district's file.

I prepared this Brief from the two documents listed above and the question you brought to me. I have not contacted the district, sent anything on your behalf, or started a legal proceeding.

SECTION I

What I found

You asked whether the school is right that Nora is making steady progress, or whether you are right to worry. The records explain why the school's reassurance has not matched what you see.

Nora participates, has friends, and finishes more classwork than a year ago. (IEP p. 3.) Those are real strengths. But finishing work with help and reading independently are different skills.

Her overall ability, math, and understanding of material read aloud are in the average range. Her difficulty is with print: sounding out words (decoding), spelling, and reading smoothly. (Reeval pp. 4–6.) Dr. Okafor identifies dyslexia, consistent with the reading disability the district recognized in February 2024. (Reeval p. 9.)

An IEP must be reasonably designed to produce progress appropriate for Nora's circumstances. The Supreme Court calls for an "appropriately ambitious" program.[1] The CSE must consider reevaluation results and revise the IEP to address those results and any lack of expected progress.[2]

The March IEP lists the January reevaluation as a source. (IEP p. 2.) Listing the report is not enough. The program needs to respond to what it found.

SECTION

II What deserves your attention

FINDING 1

Nora is completing more work, but her independent reading is barely moving.

WHAT THE RECORDS SHOW

Ms. Patel checked Nora three times on letter-sound patterns she had been taught, using a new list of 20 unfamiliar words each time. (Reeval p. 7.)

DATE	WORDS READ CORRECTLY, WITHOUT HELP
October 6, 2025	8 of 20
December 8, 2025	9 of 20
January 20, 2026	9 of 20

Her notes explain the pattern: Nora reads practiced words quickly but guesses at unfamiliar ones from the first letter, reading “brick” as “bike.” (Reeval p. 7.)

The standardized results tell the same story. Since 2024, Nora’s scores in word reading, decoding, reading comprehension, and spelling have each fallen 8–12 points, while math has held steady. These scores compare her performance with children her age. Dr. Okafor identifies the pattern as a meaningful decline in her standing relative to same-age peers. (Reeval p. 6.)

WHY IT MATTERS

This is not a conclusion drawn from one difficult day or one test score. Three reading checks, the observed guessing, and four standardized measures point in the same direction. Nora is not making the reading progress her program should support.

The response is specific: teach her to decode unfamiliar words independently and measure whether that instruction is working.

FINDING 2 The district's evaluators identified necessary instruction that the IEP leaves out.

WHAT THE RECORDS SHOW

Dr. Okafor and Ms. Patel recommend 40 minutes every school day of explicit, systematic reading and spelling instruction: teaching letter-sound patterns in a planned sequence, with mistakes corrected as they occur. They specify a group of two or three students with similar needs, a teacher trained in that approach, and a progress check every two weeks. Their report identifies this instruction as necessary to address Nora's reading needs. (Reeval pp. 10–11.)

The March IEP instead continues resource room: five 40-minute periods a week, in a group of up to five, described as "reading support and assignment completion." It sets aside no time for decoding, names no instructional approach, and gives no reason for departing from the evaluators' recommendation. (IEP p. 6.)

WHY IT MATTERS

This is the strongest fact in your file. The CSE does not have to adopt every recommendation, but it must address what the evaluation found.[2] Here, both evaluators identify the same instructional need, and neither document provides an educational reason for omitting it.

The district has discretion over teaching methods. That discretion does not answer evidence that a child needs particular instruction. In A.M., the Second Circuit rejected an

IEP that omitted necessary instructional support established by the evaluative record and not adequately countered by the district.[9]

Resource room may use classwork to teach skills, but it is specialized instruction, not a study hall.[4] Nora already has five 40-minute periods in her IEP—the same amount of time the evaluators recommend. Your central request is not more minutes. It is to use those minutes for the instruction she needs, in the right group, with a trained teacher.

If the CSE refuses, request prior written notice explaining the refusal, the evidence it relied on, and the alternatives it considered.[3]

FINDING 3 The reading goal has a percentage, but no dependable way to measure progress.

WHAT THE RECORDS SHOW

The March IEP's only reading goal says: "Nora will improve reading skills by decoding grade-appropriate text with 80% accuracy in 4 of 5 trials," measured by "teacher observation." (IEP p. 5.) The same goal appears, almost word for word, in 2024 and 2025, marked "not yet met" both years. (IEP p. 3.) There is no starting point tied to the goal.

WHY IT MATTERS

A percentage alone does not make a goal useful. What will Nora read? How much help is allowed? What will the teacher record? Without those answers, you cannot compare one report with the next.

The IEP must include measurable goals and explain how progress will be measured and reported.[5] Repeating an unmet goal also leaves the CSE's duty to address a lack of expected progress unanswered.[2]

A useful goal would look like this:

> By March 2027, given comparable lists of 20 unfamiliar one- and two-syllable words using the patterns identified in Ms. Patel's January assessment, Nora will read at least 16 correctly without help on two checks in a row. Progress will be checked every two weeks. Starting point: 9 of 20 on January 20, 2026.

The CSE should confirm her current starting point and set the target with Ms. Patel. The result should be a goal you can follow without having to guess what "progressing" means.

FINDING 4 Nora can understand the material. She needs a way to access it while she learns to read it.

WHAT THE RECORDS SHOW

When a passage is read aloud, Nora's understanding is at the 50th percentile—right in the middle for her age. When she reads it herself, it is at the 10th. (Reeval p. 5.) Her teacher reports that she avoids reading aloud and asks to visit the nurse during reading time. A screening identifies early signs of anxiety about school. (Reeval pp. 4, 8.)

The IEP's only accommodation is extra time on tests. (IEP p. 7.)

WHY IT MATTERS

Extra time does not remove the barrier the evaluation describes. Audio versions of science and social studies texts would give Nora access to the content while she develops her reading skills. A chance to practice before reading aloud would reduce pressure in class.

The CSE must consider assistive technology and supports for behavior that interferes with learning.[6] These supports belong alongside reading instruction. They do not replace it, and they should not be used during checks of independent decoding.

What I would leave alone

- **Another reading evaluation.** The district's recent evaluation already identifies the need and the instruction. Use it. The right to request an independent evaluation at district expense matters when you disagree with the district's evaluation, or part of it.[7] If Nora's anxiety grows, ask for further assessment of that concern.
- **The dyslexia label.** The report already uses the word. The instruction is what is missing.
- **The teachers.** Focus the discussion on what the IEP requires and what Nora needs. These records give you a specific request without making it a criticism of individual staff members.

SECTION

III Your best next move

Make a written referral for CSE review. You raised the recommendation at the March meeting and were told the team would "consider it." Put the request in writing now.

That referral starts the clock. For Nora's public-school program, New York requires the district to arrange the appropriate program and services within **60 school days of the referral**.[8] That is the outside limit, not the target. Ask for a June meeting and an earlier start for the reading instruction.

The clock continues through summer: July and August weekdays count, except legal holidays.[8] Waiting until the first day of fourth grade to make this referral would push the 60-school-day deadline into December. Keep your sent email and the district's acknowledgment. Before our call, send me any written notice issued after the March meeting.

Where the changes belong

IN NORA'S IEP	WHAT TO REQUEST
Present levels and goals — pp. 3, 5	Current independent-reading results; distinct decoding and spelling goals; comparable checks every two weeks, with results shared with you.
Special education services — p. 6	Daily 40-minute systematic decoding and spelling instruction; a group of no more than three; a teacher trained in the approach; a specific start date.
Accommodations and supports — p. 7	Audio access to class texts, a text-to-speech trial, and preparation before reading aloud.
Summer services — p. 8	A decision based on Nora's documented summer losses and the time she needed to recover.

Ask for the instructional features Nora needs, not a particular commercial reading program.[9] The IEP must specify when services begin.[6]

Summer needs a decision now

Nora dropped a reading level after each of the last two summers and did not regain it until mid-November—more than eight weeks into the school year. Her decoding also fell from 9 of 20 in June 2025 to 8 in October. (Reeval pp. 5, 7.) The March IEP says "no" to summer services without explaining that decision. (IEP p. 8.)

New York's substantial-regression guideline is a recovery period of eight weeks or more. The question is whether summer services are needed to prevent that loss.[10] Nora's documented history supports the request. The fact that she has not mastered her annual reading goal does not erase the skills she has acquired—or the need to protect them.

SECTION

IV Your email to the CSE

TO: CSE chairperson

SUBJECT: Nora Bell — referral for CSE review

Dear CSE Chairperson,

I am referring Nora for CSE review because her reading program is no longer appropriate for her needs. Please schedule a meeting in June to revise her March 12 IEP in light of the January 26 reevaluation.

Nora enjoys her classmates and is completing more work. I want to build on those strengths. The district's reading checks show little improvement in independent decoding, and its evaluators recommend instruction the IEP does not include.

I am requesting:

- The recommended 40 minutes of daily, systematic decoding and spelling instruction, in a group of no more than three, with a teacher trained in the approach. Please identify the earliest start date before September.
- Measurable decoding and spelling goals, with current starting points and checks every two weeks, with the results shared with me.
- Audio access to class texts, a text-to-speech trial, and preparation before reading aloud.
- Summer services to address the documented pattern of losing reading skills and not recovering them until November.

Please confirm receipt of this referral and propose meeting dates. If the CSE refuses any request, please provide prior written notice explaining why and identifying the information relied on.

Thank you,

Dana Bell

Keep a copy of what you send. The referral starts the review clock. The request for written notice moves the conversation from reassurance to reasons.

SECTION

V How to judge the response

Instruction: Does the revised IEP specify what Nora will be taught, by whom, in what group, and starting when?

Evidence: Can you compare independent-reading results from one check to the next and see whether she is moving toward the goal?

Follow-through: Are the written services being delivered, and is Nora becoming more comfortable participating in reading?

Those are your yardsticks. A meeting alone is not the result. Look for the agreed changes in the revised IEP and the instruction in Nora's school day. If the district proposes waiting until fall, ask for its reasons in writing and a separate response to summer services.

Keep filing deadlines in view. Due process and State complaint limits continue to run while you talk with the school.[11] This Brief does not calculate your individual filing deadlines. Raise a possible close deadline promptly rather than waiting for our call. I will explain the separate work needed to assess it.

We will use our 25-minute review call to go through the findings and prepare you to make the request. This Brief and the review call complete this service. You lead the school discussions and follow-up; I am not contacting the district, monitoring deadlines, or filing anything under this engagement.

You have a clear request, the records to support it, and a way to judge the response.

Notes & Authorities

The numbered notes identify the legal authorities used in this fictional Brief, as of its May 12, 2026 date. References to "IEP" and "Reeval" point to the fictional records described on the cover.

1 **Endrew F. v. Douglas County School District RE-1**, 580 U.S. 386, 399, 402, 404 (2017).
An IEP must be reasonably calculated to enable progress appropriate in light of the child's circumstances, and the program must be "appropriately ambitious." School authorities should be able to offer "a cogent and responsive explanation" for their decisions. The law does not guarantee a particular result. Supreme Court opinion.

2 **34 C.F.R. § 300.324(a)(1)(iii), (b)(1)(ii)(A)–(B); 8 NYCRR § 200.4(b)(4), (d)(2), (f)(2)(i)–(ii).**
The CSE must consider the most recent evaluation and revise the IEP as appropriate to address its results and any lack of expected progress. In New York, reevaluation results must be considered at a CSE meeting. New York regulation.

3 **34 C.F.R. § 300.503(a)(2), (b)(1)–(3), (6); 8 NYCRR § 200.5(a)(1), (a)(3)(i)–(iv).**
When a district refuses to initiate or change a child's identification, evaluation, educational placement, or provision of a free appropriate public education, its prior written notice must explain the refusal, its basis, and the other options considered and rejected. Federal regulation.

4 **34 C.F.R. § 300.320(a)(4); 8 NYCRR §§ 200.1(rr), 200.4(d)(2)(v)(b), 200.6(f)(1), (3); NYSED, Continuum of Special Education Services for School-Age Students with Disabilities, Q&A 29.**
Resource room provides specialized supplementary instruction, individually or in a small group. Each student must receive at least three hours a week, with no more than five students per teacher. Classwork may support that instruction; resource room is not a study hall. IEP services must be based on peer-reviewed research where practicable. New York regulation.

5 **34 C.F.R. § 300.320(a)(2)–(3); 8 NYCRR § 200.4(d)(2)(iii)(a)–(c).**
Goals must be measurable, and the IEP must say how progress will be measured and when it will be reported. In New York, each annual goal must identify evaluative criteria, procedures, and schedules. The two-week check in this Brief is a recommendation for Nora, not a universal legal requirement. Federal regulation.

6 **34 C.F.R. §§ 300.320(a)(4), (7), 300.324(a)(2)(i), (v); 8 NYCRR § 200.4(d)(2)(v)(b)(7), (9), (d)(3)(i), (v)–(vi).**

The IEP must state when services start, their anticipated frequency, location, and duration. The CSE must consider positive supports for behavior that impedes learning and whether the child needs assistive technology. Necessary supports and services must be reflected in the IEP. Federal regulation.

7 **34 C.F.R. § 300.502(b); 8 NYCRR § 200.5(g)(1).**

A parent who disagrees with a district evaluation, or part of it, may request an independent educational evaluation at public expense. Without unnecessary delay, the district must provide it at public expense or file for a hearing to establish that its own evaluation was appropriate. Disagreeing with the IEP alone does not create that right. Federal regulation.

8 **8 NYCRR §§ 200.1(nn)(1), 200.4(e)(1), (e)(4).**

A parent who believes the placement is no longer appropriate may refer the child to the CSE for review. For the public-school program discussed here, the district must arrange the appropriate program and services within 60 school days of the referral. In July and August, weekdays other than legal holidays count as school days. New York regulation.

9 **34 C.F.R. § 300.39(a)(1), (b)(3); 8 NYCRR § 200.1(vv), (ww); 71 Fed. Reg. 46,540, 46,665 (Aug. 14, 2006); A.M. v. New York City Department of Education**, 845 F.3d 523, 542–45 (2d Cir. 2017); **R.E. v. New York City Department of Education**, 694 F.3d 167, 194 (2d Cir. 2012).

Special education adapts instruction to the child's unique needs. An IEP need not routinely prescribe a particular methodology. In A.M., however, the evaluative evidence established a clear consensus that the child needed one-to-one ABA instruction, and the district offered insufficient contrary evidence. The court held that the IEP had to require that support rather than leave it to the teacher's discretion. The principle relevant here: when the evidence establishes that particular instruction is necessary, general discretion over teaching methods does not justify leaving it out. Court opinion · Federal regulatory discussion.

10 **34 C.F.R. § 300.106; 8 NYCRR §§ 200.1(aaa), (eee), 200.6(k)(1)(v); NYSED, Extended School Year Programs and Services: Questions and Answers.**

Summer services are an individualized decision to prevent substantial regression. New York's guidance treats a review period of eight weeks or more as an indicator. It focuses on regaining the skill or knowledge level attained by the end of the prior school year, not solely on whether an entire annual goal was mastered. A child need not first experience substantial regression to qualify; the CSE may consider evidence predicting it. NYSED guidance.

11 **20 U.S.C. § 1415(f)(3)(C)–(D); 34 C.F.R. §§ 300.153(c), 300.511(e)–(f); N.Y. Educ. Law § 4404(1)(a); 8 NYCRR § 200.5(j)(1)(i), (l)(1)(iii)(a).**

A due process complaint generally must be filed within two years of when the parent knew or should have known of the alleged action. Exceptions apply if the district prevented filing through specific misrepresentations that it had resolved the problem or by withholding information it was required to provide. A State complaint must allege a violation occurring no more than one year before the complaint is received. Due process rule · State complaint rule.

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Sample work product. Nora, her family, school, district, educational records, and case events are fictional. The legal authorities are real. Reading this sample does not create an attorney-client relationship.

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