

Why Do We Need This?

Historically adverse effect interpretation has been inconsistent and confusing to special education staff throughout the state.

A committee of stakeholders was established to collaborate on and clarify the interpretation and/or application of adverse effect rules in Vermont.

Updates

Guidance and training materials necessary for building a case regarding adverse effect include:

- Updates to the original training document which reflect general guidelines and descriptions of what they mean;
- Charts for all basic skill areas which provide criteria and assessment examples so that all six (6) measures are discussed;

Assessment Chart Example

ADVERSE EFFECT – BASIC READING

MEASURE	EXAMPLES	CRITERION FOR COMPARISON
<p>MEASURE 1 <i>Individually Administered</i> <i>Nationally Normed Achievement Test</i> any standardized achievement test that offers results in the form of standard scores or percentiles</p>	<ol style="list-style-type: none"> 1. Comprehensive Test of Phonological Processing 2. Woodcock-Johnson Achievement Test 3. Test of Early Reading Ability 4. Word Identification and Spelling Test 5. Gray Oral Reading Test 6. Wechsler Individual Achievement Test 7. Test of Word Reading Efficiency 8. Test of Silent Word Reading Fluency 9. Diagnostic Assessment of Reading 10. Phonological Awareness Test 11. Nelson-Denny Reading Test 12. Kaufman Test of Educational Achievement 	<p>Scores at or below the 15th percentile or 1 standard deviation below the mean (typically a score of 85 or below) using grade norms.</p>
<p>MEASURE 2 <i>Group Administered Nationally Normed Achievement Test</i> standardized tests that are given to all students in a group format – results provide national percentile ranking</p>	<ol style="list-style-type: none"> 1. Gates-MacGinitie 2. Stanford Achievement Test 3. Terra Nova 4. Otis Lennon School Ability Test 5. Metropolitan Achievement Test 6. Comprehensive Test of Basic Skills 	<p>Scores at or below the 15th percentile or 1 standard deviation below the mean (typically a score of 85 or below) using grade norms.</p>

Assessment Charts

Include:

- Examples for each basic skill area
- Examples of assessments that may be used and is NOT an exhaustive list
- Criterion for comparison

NOTE: AOE does NOT endorse any particular assessment

Updates Continued

- Revision of the Evaluation Plan and Report (Form 2) to include documentation of the assessment tools and results; and
- Documentation of the team's discussion of functional performance (i.e., social/emotional functioning, communication) when determining adverse effect.

Review of Adverse Effect

To conclude that a disability has an adverse effect on the child's educational performance [Rule 2362(d)], the EPT shall determine and document that, as a result of his or her disability, the child is functioning significantly below grade norms compared to *grade-level* peers in one or more of the basic skills defined in Rule 2362(g).

➤ **“Significantly below grade norms” means the 15th percentile or below,**

OR

➤ **a 1.0 standard deviation or more below the mean, or the equivalent, as reflected by performance on at least three of the six measures of school performance, generally over a period of time.**

What Needs to be Gathered for Evidence?

- Three different measures of school performance need to be documented for at least one basic skill area of concern.
- The three measures of school performance need to be for the same basic skill area.
- This is true for all of the disabilities after age 6 – there are no differences between disability categories for adverse effect.

Who are Grade Level Peers?

The comparison is not limited to a single classroom review but may include a look across different classrooms at the same grade level or expected school performance at that grade level (i.e., heterogeneous vs. homogeneous groups).

Basic Skill Areas

- Basic Reading Skills
- Reading Comprehension
- Reading Fluency (only SLD)
- Written Expression
- Mathematics Calculation
- Mathematics Reasoning
- Oral Expression
- Listening Comprehension
- Motor Skills

Six (6) Measures of School Performance

Individually
Administered Nationally-
Normed Achievement Test

Group Administered
Nationally-Normed
Achievement Test

Grades

Curriculum Based
Measures

Criterion Referenced
Assessments

Other Measures of
Performance
(Student work, language
samples, portfolios, classroom
observations)

Individually Administered Nationally Normed Achievement Test

- Any individually administered, standardized achievement test that offers results in the form of standard scores or percentiles.
- Look for standard scores that are 85 or lower which represents 1.0 standard deviation below the mean of 100.
- Must use grade-based norms

Measure 1 - Adverse Effect Statement

Based on Josephine's most recent testing on the KTEA-3 dated 11/01/2019, she received a standard score of 81 on the Math Computation subtest, which places her at the 10th percentile when compared to her grade level peers; thereby demonstrating adverse effect in the area of math calculations.

Group Administered National Normed Achievement Test

- Group administered norm referenced assessments refer to standardized tests that are given to all students in a group format. Results provide national percentile ranking.
- Must use grade-based norms.

Measure 2 - Adverse Effect Statement

Felicia was administered the SAT (Scholastic Achievement Test) on 10/10/2019 as a senior in high school. She performed at the 2nd percentile on Reading when compared nationally to grade level peers, thereby demonstrating adverse effect in the areas of basic reading and reading comprehension.

Grades

- Grades indicate that the student is not meeting the grade level or proficiency-based standard or is showing little evidence of meeting the Common Core State Standards (CCSS) for that stage of development.
- Lack of work completion or refusal related to the student's disability, may be considered evidence. This needs to be pronounced, happening on a consistent basis and must be tied to a basic skill area.

Grade Examples

- Associations should be made between the student's poor grades in a content area (such as Social Studies) and difficulty within a basic skill area. (Ex., poor quiz grades result from difficulty comprehending the reading assignments).
- In high school, when basic skills are often not taught directly, documentation establishes the indirect relationship between basic skill deficits and grades (i.e. low grades in English related to composition and literature, both functions of basic reading skills, reading comprehension and written expression).

Grade Examples

- Standards-based report cards
- Teacher determined grading system
- IEP based individualized grading systems (by itself an indication of adverse effect)

If the student's grades are okay but the student is receiving considerable support to achieve these grades:

Document the student's grades prior to this support and the direct correlation between the student's success and the level of support needed to achieve this success. This includes placement in an alternative program which can be evidence itself of adverse effect.

Measure 3 - Adverse Effect Statement

Based on Leah's most recent report card dated 11/20/19, she is receiving a "1" on CCSS RL8.1-RL8.6 (reading standards for literature). Leah has missed many classes due to behavioral challenges that require her to leave the room. Consequently, she has missed a significant amount of class time which has adversely impacted her ability to develop her reading comprehension skills. Leah's current grades in reading comprehension are within the lowest 15th percent when compared to her grade level peers within the basic skill area of reading comprehension.

Curriculum Based Measures

- Definition: Repeated, direct assessment of targeted skills in basic areas, such as math, reading, writing, and spelling, using materials taken from the teaching curriculum.
- Data that reports the student's performance for any given intervention over a prescribed period of time – data is reported in reference to a grade level expectation.
- Information or data is not quantified in a standard score format.

Curriculum Based Measures

- Charts, graphs, or checklists
- Classroom, teacher developed tests – rank the results (make sure they represent ability purely and connect with a basic skill area)
- Running Records, accuracy with grade level text
- Fluency measures such as words correct per minute
- Math Mad Minutes
- Standardized benchmark assessment (AIMSWEB, Lexia, Fountas and Pinnell, Great Leaps)
- Continuous progress monitoring

Measure 4 - Adverse Effect Statement

On 12/5/19, Parker (a fourth grade student) was administered the Fountas and Pinnell Benchmark Assessment. Parker's text level was determined to be a Level G (mid first grade) which is well below expected grade level performance. Parker's current text level indicates performance which is within the lowest 15th percent when compared to his grade level peers within the basic skill area of basic reading.

Criterion Referenced Assessments

- Tests that are not standardized but are scored on a level of expected development
- Test results indicate that the student is performing well below what is expected for a student at that grade level – should use Common Core benchmarks or Proficiency-Based performance measures to make this determination
- Comparison to what is expected helps to identify performance that is below a level that will allow the student to manage classroom expectations

Measure 5 - Adverse Effect Statement

Daniel was administered the STAR early literacy assessment as a 3rd grade student on 09/05/2019. His score of 475 places him in the emergent reader range, meaning that he is beginning to understand that printed text has meaning and that print flows from left to right and top to bottom. 3rd grade students should be reading and comprehending 2nd to 3rd grade literature. His performance demonstrates adverse effect in the area of basic reading.

Other Measures of Adverse Effect

- Classwork that demonstrates limited ability when compared to the performance of grade level peers on the same measure.

Examples:

- Math and Writing portfolio scoring
- Classroom Observations
- Work samples compared to grade level peers
- Language samples
- Alternative Placement/Alternative Curriculum
- Grade level scope and sequence charts
- Other functional and behavioral data

Other Functional and Behavioral Data (in comparison to grade level peers)

Examples (in relation to the student's disability):

- Attendance
- Modified Schedule
- Tardy/Early Dismissals
- Discipline/Office Referrals
- Suspensions (in-school and out)
- Health Office/Guidance Visits
- Class participation (with/without support)
- Ability to work in groups/independently
- Work completion (in-class/homework)
- Ability to follow societal norms and expectations

Measure 6 - Adverse Effect Statement

On 10/15/19, Ella was asked to write a response to the writing prompt, “Write about a time that something really funny happened.” Ella was able to generate two fragmented sentences during this time. Her peers generated on average six or more complete sentences within the same amount of time. Ella’s writing response indicates performance within the lowest 15th percent within the basic skill area of written expression.

Functional Performance Defined

Functional performance is the acquisition of essential and critical skills needed for children with disabilities to learn specific daily living, personal, social, and employment skills, or the skills needed to increase performance and independence at work, in school, in the home, in the community, for leisure time, and for postsecondary and other life long learning opportunities.

2361.1(17) Part B Definitions (page 66 - VT Special Education Rules – 2013)

What About Functional Performance?

Functional Performance may be described as:

- The ability of the student to apply academic skills in a variety of ways or settings.
- Skills needed by students in order to live in society such as independent living, community participation, communication, and employment.
- Skills or activities that may not be considered academic but may be related to a student's educational performance.
- **Functional** is often used in the context of routine activities of everyday living and are varied depending on the individual needs of the student.

More on Functional Performance

- The student's functional performance factors are such that either the frequency or number of services exceed those of 85% of their grade level peers and may mask potential adverse effect.
- Examples: behavior, refusal to comply, pragmatic skills (i.e. eye contact, personal space issues), social language, social skill deficits

Remember...

- The student's disability has already been established...
- Therefore functional performance is used to build a case for adverse effect, to begin a conversation about the effects of functional performance on student outcomes.
- Alternative Placements may demonstrate skills, but they may not be the same skills demonstrated in a general education classroom.

What about Smarter Balanced Assessment (SBAC) Scores

- It is possible to use SBAC as supportive evidence to help build a case for adverse effect.

- However, there are issues that teams need to consider when doing this:
 - Not all basic skill areas are measured
 - Basic skills that are measured may have different titles than those found in IDEA and Vermont Rules.
 - Some are available only at lower grade levels (i.e., Basic reading skills not valid above grade 5 or if a reader is utilized).
 - SBAC is a Criterion Referenced Assessment and therefore does not provide percentile ranking

Recommendations for Using SBAC Scores as Support for Adverse Effect

- SBAC may be used as the starting point for the adverse effect conversation or as supplemental evidence
- SBAC scores of 1 indicates that the student is not achieving grade level standards and therefore the adverse effect conversation is warranted.
- SBAC scores combine basic skills into clusters and therefore are not a valid measure of a single basic skill. Thus the team needs to look at other evidence to determine if low SBAC scores are caused by basic skill deficits as per Vermont Rules. Additional evidence would establish that the student's skill deficit is in the lowest 15th percent.
- SBAC scores can be used in the IEP under current levels of performance and as a means of measuring progress.

Whose Job is Adverse Effect?

Type of Measure	Criterion	Person Responsible
Individually administered nationally-normed achievement test	-1 SD or 15th percentile	Spec Educator, SLP, School Psychologist trained in test administration
Nationally-normed group administered achievement tests, including nationally-normed curriculum-based measures	-1 SD or 15th percentile	Classroom teacher(s) or Others (i.e., special educators and guidance counselors)
Grades	Performance at or below the lowest 15% compared to grade level peers	Classroom teacher(s)
Curriculum based measures, could include benchmark assessments and continuous progress monitoring outcomes	Performance at or below the lowest 15% compared to grade level peers	Classroom teacher(s) or Others
Criterion-referenced tests	Student lacks skills typical of an average student at same grade level	Spec Educator, SLP, Classroom teacher(s), or Others
Group administered criterion-referenced tests	Performance indicates student is among lowest 15%	Classroom teacher(s) or Others
Other measures	Performance indicates student is among lowest 15%	Classroom teacher(s), SLP, or Others

Form 2 – Evaluation & Report

Changes effective July 1, 2016 to include:

- a reformatted Adverse Effect Section to specifically document evidence used to conclude that the student met the requirements for adverse effect in at least one basic skill area.
- a revised Needs Section to identify additional educational and functional performance areas of concern not documented in the Adverse Effect Section.

Form 2 – Adverse Effect Section

- Adverse effect on educational performance is determined by a review of school performance measures. In addition, where appropriate, the Evaluation Planning Team is required to assess the impact of functional skills and behavior on school performance measures.

List Basic Skill Area being addressed

For each measure of school performance, list BOTH the data and a summary statement relating to the impact of functional performance on the results

Document the Team's conclusion for this basic skill area

Basic Skill Area:			
Measures of School Performance	Assessment Tool(s) with Results And Discussion Summary	Lowest 15 th Percent or (-) 1 Standard Deviation or Equivalent	Evidence of Adverse Effect
Measure 1 Individually administered nationally-normed achievement test	Results:	<input type="checkbox"/> ↑ Above <input type="checkbox"/> ↓ Below	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	Summarize discussion related to any individual factors observed during testing that impacted these results.		
Measure 2 Normed group- administered achievement tests or normed curriculum-based measures	Results:	<input type="checkbox"/> ↑ Above <input type="checkbox"/> ↓ Below	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	Summarize discussion related to any individual factors observed during testing that impacted these results.		
Measure 3 Grades or other measures of educational proficiency	Results:	<input type="checkbox"/> ↑ Above <input type="checkbox"/> ↓ Below	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	Describe how the student's functional skills affect grades or other measures of educational performance.		
Measure 4 Curriculum-based such as benchmark assessments or progress monitoring	Results:	<input type="checkbox"/> ↑ Above <input type="checkbox"/> ↓ Below	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	Describe how the student's functional skills affect progress in the general education curriculum for their grade level.		
Measure 5 Criterion-referenced assessments	Results:	<input type="checkbox"/> ↑ Above <input type="checkbox"/> ↓ Below	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	Describe how the student's functional skills affect progress in the general education curriculum for their grade level.		
Measure 6 Student work samples or portfolio	Results:	<input type="checkbox"/> ↑ Above <input type="checkbox"/> ↓ Below	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	Describe how the student's functional skills affect grades or other measures of educational performance.		
Does the Evaluation and Planning Team conclude that the student met the adverse effect requirement in three (3) out of six (6) measures for one basic skill area?		<input type="checkbox"/> Yes <input type="checkbox"/> No	

For each measure of school performance, indicate if the team has determined that there is sufficient evidence of adverse effect.

For each measure of school performance, indicate whether or not the student is in the lowest 15th Percent or (-) 1 Standard Deviation or Equivalent

Form 2 – Adverse Effect Example

Basic Skill Area: Listening Comprehension													
Measures of School Performance	Assessment Tool(s) with Results And Discussion Summary	Lowest 15 th Percent or (-) 1 Standard Deviation or Equivalent	Evidence of Adverse Effect										
Measure 1 Individually administered nationally-normed achievement test	Results: On the <u>Clinical Evaluation of Language Fundamentals – 5th Edition</u> the student received the following scores: <table style="margin-left: 40px;"> <tr> <td><u>Receptive Language Index</u></td> <td><u>Standard score = 69</u></td> </tr> <tr> <td>Core Language Score</td> <td>Standard score = 76</td> </tr> <tr> <td>Expressive Language Index</td> <td>Standard score = 80</td> </tr> <tr> <td>Language Content Index</td> <td>Standard score = 72</td> </tr> <tr> <td>Language Structure Index</td> <td>Standard score = 76</td> </tr> </table>	<u>Receptive Language Index</u>	<u>Standard score = 69</u>	Core Language Score	Standard score = 76	Expressive Language Index	Standard score = 80	Language Content Index	Standard score = 72	Language Structure Index	Standard score = 76	<input type="checkbox"/> ↑ Above <input checked="" type="checkbox"/> ↓ Below	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	<u>Receptive Language Index</u>	<u>Standard score = 69</u>											
Core Language Score	Standard score = 76												
Expressive Language Index	Standard score = 80												
Language Content Index	Standard score = 72												
Language Structure Index	Standard score = 76												
Summarize discussion related to any individual factors observed during testing that impacted these results. Receptive Language Index Standard Score of 69 indicates that the student is functioning in the lowest 15%. In addition, the CELF-5 observational rating scale revealed the student has difficulty in the following receptive language areas: <ul style="list-style-type: none"> • Trouble paying attention • Looking at people when they are talking • Understanding facial expressions, gestures or body languages • Understanding questions that are asked • Processing questions as quickly as other students • Trouble following a conversation with others All of these behaviors are related to listening and interacting with others. The team concludes that the student's difficulty in receptive language skills had an impact on the test results.													

Need for Special Education

The EPT must determine and provide justification that the student requires:

- Classroom accommodations and modifications.
- Supports available to all students provided through the school's multi-tiered system of support (MTSS).
- Specially designed instruction beyond that provided within the school's standard instructional conditions.

Example – Need Section A/B

Need for Special Education Services – Section Three

- A. This section seeks to provide justification that the student/child:
1. requires specially designed instruction that cannot be provided through the educational support system or through the school's standard instructional conditions; or
 2. for Early Childhood Special Education, a justification that a delay is at a level that would affect future success in the home, school, or community without intervention prior to enrollment in elementary school.

B. Questions/Answers:

1. What accommodations and modifications, if any, are necessary for the student to progress within the general education curriculum?

Oral instructions need to be restated, shortened, and clarified for student understanding.

The student needs additional processing time to accurately answer questions in the classroom.

The student should be instructed to associate new material with previously learned material and to generalize new concepts.

Example – Need Section A/B (Cont.)

2. Does the student require specially designed instruction that cannot be provided through the educational support system or through the standard instructional conditions, supplementary aids and services within the school?

The student needs specialized instruction and support in social language training.

The student needs specialized instruction in receptive and pragmatic language skills (idioms, figurative language are examples of this).

The student needs specialized instruction in understanding/answering who, what, where, when and how questions.

3. If the student is experiencing educational difficulty in a basic skill area, but does not qualify for special education under adverse effect or need, what additional information needs to be provided as part of the referral to the Section 504 Team or Educational Support Team? The student qualifies for special education services.

Need for Special Education

- If the EPT decides not to document the remaining basic skill concerns identified in the Evaluation Plan within the Adverse Effect Section, the other basic skill areas **MUST** be documented in Section C of the revised Needs Section

Example – Need Section C

C. Identify additional educational and functional performance needs of the student not documented in the Adverse Effect section that were assessed and may need to be addressed either by the IEP Team, the Section 504 Team or the school's multi-tiered system of support or other standard supports available to students through the school.

Additional area(s) requiring consideration:

- | | | | |
|---|---|---|---|
| <input checked="" type="checkbox"/> Basic reading skills | <input checked="" type="checkbox"/> Reading Comprehension | <input type="checkbox"/> Reading Fluency (SLD only) | <input type="checkbox"/> Motor Skills |
| <input checked="" type="checkbox"/> Mathematics calculation | <input checked="" type="checkbox"/> Mathematics reasoning | <input checked="" type="checkbox"/> Written expression | <input type="checkbox"/> Functional Perf. |
| <input type="checkbox"/> Listening comprehension | <input checked="" type="checkbox"/> Oral Expression | <input checked="" type="checkbox"/> Social/Emotional/Behavioral | |

Summarize areas of considerations:

EPT has determined that the student will need additional support in reading, writing, and math which can be accomplished through the school's MTSS.

The student's oral expression skills can be addressed in an authentic learning environment (in the moment).

The student's social/emotional/behavioral concerns can be addressed within a PBIS system, the MTSS, and through participation in group activities available to all students provided by the school counselor or the classroom teacher.

D. Does the team conclude that the student has a need for special education services? Yes No

Requirements and Best Practice for Special Education Teams

Required	Best Practice
Discuss and document all of the questions asked by Evaluation and Planning Team.	Document all areas of adverse effect that were identified.
Document at least one area of adverse effect using Form 2	Consider using the Adverse Effect Training Tool and other Assessment Tools.
Discuss all areas of concern not addressed in the Adverse Effect Section and document on Form 2 in the Needs Section (C).	All areas of concern are either addressed in Adverse Effect or Needs Section of the Evaluation Report.
Consider and document team discussion about the effect of functional performance on basic skills.	Ideally, link the student's disability to the functional performance as it relates to a basic skill area.
Provide a statement that explains why a question asked was not answered.	All questions posed/identified in the EPT plan must be answered.
Document 3 of the 6 measures of Adverse Effect.	Ideally the team discusses all 6 measures (or as many measures as appropriately apply) for each basic skill area evaluated.

**Important ongoing step for
Special Education administrators**

**Annually train all new special educators and
LEA representatives in subsequent years.**

Where Are We Going Next?

- Vermont schools are collaborating to embrace a Multi-Tiered System of Support (MTSS) for students who fall within the “gray area” so that no matter what they need to access the general curriculum, they will be supported, even if they are not eligible for special education services.
- At this point, MTSS is still emerging in many districts and schools are working toward implementing with fidelity. At this point in time, as would be expected, there is inequity across the state. As schools continue to make progress towards this eventual goal, efforts should continue to be made to use all resources available in order to improve outcomes for all students across our state.

Presentation Followup

- If you have questions concerning adverse effect or this training, please contact:
The AOE special education technical assistance email or phone:
AOE.SpecialEd@vermont.gov or 802-828-1256
- Upon completion of the evaluation (to be emailed to attendees) you will receive a certificate of participation for this training.
- Before April 15th an FAQ will be developed and distributed based upon feedback from these presentations.