

Rule Change: Functional Skills/Functional Performance

December 13, 2021

Today's Objectives

Participants will:

- Review the Special Education rule change on Functional Skills.
- Review highlights from Functional Skills Guidance Document.
- Understand purpose and use of Functional Skills case studies.

Special Education (3-21) Rule Changes: Background (1/3)

- In 2016 AOE commissioned two studies.
 1. UVM Study: Evaluates special education funding models (2016 Act 148 Sec. 3).
 2. DMG Report: Compares current practice to best practices for special education service delivery (2016 Act 148 Sec. 4) in 10 representative Supervisory Unions/Supervisory Districts.
- In 2018, the General Assembly enacted Act 173 that:
 1. Establishes an Advisory Group to shape proposed rules and procedures.
 2. Outlines a several-year transition to the new funding system providing time for rule-making, procedure development and professional learning.
 3. Mandates resources to support professional learning in best practices.
- State Board of Education opened the entirety of Rule 2360 which resulted in several changes to the Special Education (3-21) Rules.
- The State Board adopted the new Special Education Rule Series 1300 (Special Education Finance) and updated 2360 on May 13, 2021, to be made effective July 1, 2022.

Special Education (3-21) Rule Changes: Background (2/3)

- "Functional" means nonacademic, as in "routine activities of everyday living." This definition should help all IEP team members understand that the purpose of the IEP is to prepare children with disabilities for life after school. The definition should also help team members to understand that teaching children how to "function" in the world is just as important as teaching academic skills.
- The Commentary to the federal Regulations answered a question about defining functional skills as follows: "It is not necessary to include a definition of "functional" in these (federal) regulations because we believe it is a term that is generally understood to refer to skills or activities that are not academic or related to a child's academic achievement. Instead, "functional" is often used in the context of routine activities of everyday living." ([Commentary in the Federal Register, page 46661](#))
- The Commentary clarifies that the child's IEP should be based on the child's **individual and unique needs**. The IEP describes what the school will provide, given the child's unique needs for specific functional skills.

Special Education (3-21) Rule Changes: Background (3/3)

- This is required by federal law, regardless of whether the ultimate goal of the IEP is to teach the child functional skills or academic skills.
- "Section 1414(d)(1)(A)(i)(I) of the Act requires an IEP to include a statement of the child's present levels of academic achievement and functional performance." ([Commentary in the Federal Register, page 46662](#))

Special Education Rule Changes:

Functional Skills (1/2)

2362 Eligibility for Children Ages Six Years through Twenty One (34 CFR §300.306)

(f) If a child has a disability that results in an adverse effect on his or her educational performance in one or more of the basic skills, the EPT shall, in the following order:

- (1) Consider the interventions, services, and accommodations the student may need, and
- (2) Determine and provide justification that the student requires specially designed instruction that cannot be provided within the school's standard instructional conditions, or provided through the school's educational support system.

(g) Basic skill areas—

- (1) Unless otherwise specified in the disability category in these rules, basic skill areas are:
 - (i) Oral expression;
 - (ii) Listening comprehension;
 - (iii) Written expression;
 - (iv) Basic reading skills;
 - (v) Reading comprehension;
 - (vi) Mathematics calculation;
 - (vii) Mathematics reasoning;
 - (viii) Motor Skills
 - (ix) Functional skills (*new)

Special Education Rule Changes:

Functional Skills (2/2)

Functional Skills is defined as “the acquisition of essential and critical skills needed for a child 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 post-secondary and other life-long opportunities.”

Special Education (3-21) Rule Changes: Guidance Document

Guidance Document Highlights

- Overview of Rule Change
- Assessment and Evaluation
- Goal Writing
- Resources

Special Education (3-21) Rule Changes: Guidance Document Overview

Functional skills reflects a student's current abilities, skills, strengths, and weaknesses — academically, socially, and physically. Knowing this information about a student should shape the goals of their IEP by informing how their learning differences affects their ability to learn in the general education curriculum.

The law recognizes that mastering academics is not the only goal of a meaningful education

Include:

- Social Emotional Skills
- Communication Skills
- Independent Living Skills
- Transition/Job Skills

Special Education (3-21) Rule Changes: Assessment and Evaluation (1/2)

To determine “adverse effect” of a disability on a basic skill area, the EPT must find that the student’s disability has a more than minor or transient negative impact on the basic skill area, as evidenced by findings and observations as well as based on data sources and objective assessments with replicable results. The EPT must use range of diagnostic and performance data and must consider academic and nonacademic aspects child’s functioning. The EPT should document that scientific, research-based interventions were implemented with fidelity and will consider these efforts and their impact when determining adverse educational and functional performance. These intervention records and subsequent data collection may be already available if the student has had access to an Educational Support Team, that has been developing plans for interventions throughout the student’s educational process. Evaluation procedures used to measure a child’s functional skills must meet the same standards as all other evaluation procedures, consistent with [§300.304\(c\)\(1\)](#).

Special Education (3-21) Rule Changes: Assessment and Evaluation (2/2)

Accurate and Measurable Data:

Outside Observations: Individuals with close proximity to the student will be able to share outside observation by providing examples from the home, experiences in the community, or observations they have had of their child's functional performance at school functions.

Self Reporting: Students for whom it is appropriate can and should learn how to record their own data to monitor their own goals.

Progress Monitoring: There are many ways to monitor progress, and just like with academic goals you will need to establish a baseline and be very clear about what you are defining as progress and how you will measure that.

Special Education (3-21) Rule Changes: IEP Goal Examples (1/4)

The following are various examples of well written functional performance IEP goals that include clear goals, measurable data, and appropriate ways to measure progress.

Each example contains background information, an IEP goal, the standards those goals are based off of, and a selection of services and accommodations to support the student in their achievement.

Special Education (3-21) Rule Changes: IEP Goal Examples (2/4)

Background:

Javier is 12 and on the Autism Spectrum. He has been learning remotely from home because Javier has sensory integration challenges and prefers working from home where it's quiet and where he doesn't have to wear a mask all day. His parents are concerned that he will lose some of the progress he's made concerning connecting with his peers and may become too isolated. Javier's teacher has set up a virtual "lunch bunch" group to allow students working remotely to socialize with one another. Javier's special interest is Star Wars, and has a tendency to dominate conversations with Star Wars facts and descriptions of his favorite scenes. Javier's father also works from home and has agreed to read him a social story about reciprocity in conversations. A para listens in and collects data on Javier's progress.

Special Education (3-21) Rule Changes: IEP Goal Examples (3/4)

Potential Standards:

LA.3.1.SG.1a: Follow agreed-upon rules for discussions.

LA.3.1.SG.1b: Build on others' talk in conversations by linking their comments to remarks of others.

PBGR (Communication.3): Students take into consideration multiple points of view.

Special Education (3-21) Rule Changes: IEP Goal Examples (4/4)

IEP Goal:

By November 2021, given a school-issued laptop, wifi hot spot, bi-weekly parental training and guidance, and a social story for his virtual lunch bunch group, Javier will take three turns in a conversation about a topic unrelated to Star Wars on 4 out of 5 trials.

IEP Services:

Javier's services include bi-weekly parent training for 30 minutes, and para-educator support in the lunch bunch for 20 minutes each day.

IEP Accommodations:

Javier's accommodations include the development and use of social stories.

Special Education (3-21) Rule Changes: Resources

- [Vermont Early Learning Standards \(VELS\)](#) - Standards to guide curriculum and instruction for students from birth to third grade.
- [Common Core State Standards](#) - A guide to Common Core standards and resources surrounding their use.
- [Vermont Proficiency-Based Graduation Requirements](#) - A locally-delineated set of content knowledge and skills connected to state standards that, when supplemented with any additional locally-developed requirements, have been determined to qualify a student for earning a high school diploma.
- [Vermont Transferable Skills Assessment Supports \(VTSAS\)](#) - Vermont's Transferable Skills

Early MTSS and VTmtss Frameworks

Existing local Support Systems....

...are evaluated through an Early and VTmtss lens...

...to become improved and expanded.

...to better support Special Ed rule change work.



Contact Information

- Jacqui Kelleher, State Director of Special Education: Jacqui.Kelleher@vermont.gov
- Tracy Watterson, VTmtss Program Manager: Tracy.Watterson@vermont.gov
- Kate Rogers, Early Education Team Manager: Kate.Rogers@vermont.gov