

Adverse Effect Training Tool – 2016

Documenting Your Findings – Evaluation Planning Team Training Tool

According to Vermont Special Education Rule 2362(d)(1) “To conclude that a disability has an adverse effect on the student’s educational performance, the Evaluation Planning Team (EPT) shall determine and document that, as a result of his or her disability, the student is functioning significantly below grade norms for grade peers in one or more of the basic skills defined in Rule 2362 (g).”

For each of the six adverse effect measures of school performance, “significantly below grade norms” means that the student’s performance is determined to be among the lowest 15% (or the equivalent), generally over a period of time, for students at his or her grade level.

On norm-referenced tests adverse effect would be demonstrated by a percentile score at or below the 15th percentile, or a standard score that is at least 1.0 standard deviation below the mean score of the assessment (typically a standard score of 85 or below).

For adverse effect measures that do not include norm scores (e.g., grades, criterion-referenced tests, work samples and curriculum based measures) the EPT will need to determine whether the student’s performance is at a level **equivalent** to the lowest 15% of grade level peers. In order to build a case that a student’s disability has had an adverse effect on educational performance, the EPT will need to document a minimum of three of the six measures of school performance for each basic skill area reported.

Examples of Appropriate Adverse Effect Documentation

1. At least one basic skill has documentation of a minimum of three of the six available measures of school performance that fall into the lowest 15th percent, or the equivalent, of their grade level peers.
2. Where available, and when necessary, the EPT has reviewed as many of the six measures of school performance as needed to document three findings of adverse effect or, conversely, has documented at least four measures of school performance that do not meet the adverse effect criteria. Because of either the age or grade of the student some measures of school performance, such as group-administered assessments, might not be available for the EPT to use.
3. Where appropriate, the EPT has considered the effect functional performance has on measures of school performance and documents a professional opinion as to whether this effect is significant enough to enable the student to fall into the lowest 15th percent, or the equivalent, of grade level peers. Functional performance is defined as the acquisition of essential and critical skills needed for children and students 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 their home, in the community, for leisure time and for postsecondary and other life-long learning opportunities.

4. Where available, the evaluator has included information in their report to the EPT as to the effect the use of the standard error of measurement for a test score has on the documentation of adverse effect.

Examples Which Do Not Document Adverse Effect

1. Three similar measures of school performance that each assess the same basic skill (i.e. three individually administered achievement tests that each provide a reading comprehension result) that fall in the lowest 15% of grade level peers, without documentation from at least two other measures of school performance would not prove an adverse effect exists.
2. One single measure of school performance that documents an adverse effect in three basic skills (i.e. one individually administered achievement test that found a student to be in the lowest 15% of grade level peers in reading comprehension, math computation and written expression) without two additional measures of school performance that also directly connect to one of those basic skills would not prove an adverse effect.
3. No single measure of school performance carries more weight than any other. Any three of the six measures of school performance may be used to document an adverse effect. No single measure of school performance can be required for documentation.
4. The EPT cannot conclude its documentation of adverse effect in the basic skill under consideration until at least three measures of school performance show an adverse effect or if four different measures of school performance do not show an adverse effect.

When considering the work samples, grades and curriculum-based measures, the EPT **must** consider whether, in the opinion of the EPT, the absence of existing services, supports, modifications and accommodations to the student would likely cause the student's performance to fall within the lowest 15th percent of their grade level peers. (For example, when considering a work sample measure in determining adverse effect in written expression, which appears within the average range for the student's grade level, the EPT must take into account the level and type of support that was provided to the student at the time this work sample was produced as well as whether the lack of the supports would have resulted in a work sample with a much lower score.)

The training tool that follows has been designed to help teams identify and use a variety of adverse effect measures in accordance with the criteria outlined above.

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General Guidelines	What this means!
<p>1. The comprehensive evaluation of a student suspected as having a disability includes assessment in all basic skills areas of concern.</p>	<p>The minimum requirement for eligibility documentation is a single basic skill found to meet the adverse effect definition in at least three different measures of school performance. Once a basic skill has been found to have an adverse effect, all additional basic skills identified for review in the Evaluation Plan must be documented in either the Adverse Effect or the Needs section of the Evaluation Report.</p>
<p>2. All six measures of school performance must be considered for each basic skill area assessed.</p>	<p>All six measures must be examined, if necessary, to find the three measures. Include documentation where any measure is not applicable to an individual student.</p>
<p>3. The results should accurately reflect student performance in a basic skill area, either directly or indirectly. Documentation should include, as determined by the examiner, whether the assessment scores should include the use of confidence bands.</p>	<p>Consider the individual characteristics of the student, or the testing conditions, which may have affected the confidence or reliability of the testing scores. Take into account factors such as the impact of functional performance (i.e. behavior, refusal, attention span, communication skills, social skills) or test conditions (i.e. one to one setting, no penalty for delayed responses).</p>
<p>4. The measures establish that the student’s performance is among the lowest 15% at that grade level.</p>	<p>The comparison is not limited to a single classroom review but may also include a look across different classrooms in the school at the same grade level or expected school performance at that grade level.</p>
<p>5. The school performance measures document that the adverse effect has been present over a period of time.</p>	<p>The rule for “over a period of time” is generally interpreted as six months, except for situations as found below in #6.</p>
<p>6. If a medical condition with a sudden occurrence is evident, the eligibility documentation establishes that the disability is not temporary and that an adverse effect will escalate without immediate intervention.</p>	<p>This includes medical conditions that are not temporary in nature, such as the Traumatic Brain Injury, Other Health Impairment or Orthopedic Impairment categories which, by disability definition, also can be exempted from the “over a period of time” requirement.</p>
<p>7. Where appropriate, the Evaluation Planning Team (EPT) has considered the functional performance factors which might adversely affect a student’s access and performance in a basic skill area without the modifications, accommodations and services currently provided to the student.</p>	<p>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 of functional performance factors might include such areas as behavior, refusal to comply, pragmatic (i.e. eye contact, personal space issues) skills, social language, and social skill deficits.</p>
<p>8. The EPT has made a convincing case that the student’s disability has led to basic skill deficits that are impeding access, participation, or progress in the general education curriculum.</p>	<p>The EPT report has made a clear connection between functional skill deficits and basic skill areas that demonstrates an adverse effect on the student’s access, participation, or performance within the general education curriculum.</p>

When Using Individually or Group-Administered Tests to Establish Adverse Effect	What This Means!
9. Scores on norm-referenced tests such as the Woodcock Johnson (individually administered) or the Stanford Achievement Test (group administered), in the basic skill area being considered, are at or below the 15 th percentile, or at least 1 standard deviation below the mean (typically a standard score of 85 or lower).	The evaluator must take into consideration the testing environments, and make a recommendation to the EPT whether bands of confidence should be used if the score received by the student was considered artificially inflated or deflated. The EPT must document the reason(s) for using the bands of confidence. The EPT membership must include an individual able to interpret diagnostic evaluation results.
10. The EPT has considered whether there is a difference between the student's performance under the optimal testing conditions (i.e. one to one setting, quiet space, no time limits) as compared with typical classroom conditions and observations.	Determine, either based upon the evaluator's recommendation or the EPT's determination, whether bands of confidence may be appropriately used in this case to either use a lower or higher score based upon how the student responded in the testing environment as opposed to their typical behavior. Classroom observations should support whether the use of confidence bands is warranted.
11. Combined scale scores may only be allowed where each subtest combines to measure a specific basic skill. Scores must correspond to a percentile or standard score that is equivalent to performance in the 15 th percentile or below.	Combined scaled scores, often referred to as broad, cluster, or composite scores are otherwise not allowable. A combined scaled score may artificially inflate or deflate an overall score rather than reflect the actual basic skill score in isolation.

When Using Grades or Other Measures of Academic Proficiency to Establish Adverse Effect	What This Means!
12. Documentation establishes that the student's grades or other measures of academic proficiency are among the lowest 15% of peers at that grade level.	Because grading systems or measures of academic proficiency may vary from class to class, the EPT may need to consider grading practices by staff when comparing the student to peers at that grade level.
13. If the student is getting passing grades in a homogeneously grouped class, documentation establishes that grades are based on individualized criteria, and that participation in the class is permitted only for students with basic skill deficits. NOTE: Low grades in homogeneously grouped classes reserved for only the highest performing students (e.g. advanced placement classes) do not constitute an adverse effect.	This factor reduces the likelihood of an Advanced Placement student, although in the lowest 15% of their class, from being identified with an adverse effect because their skills in comparison with the average grade level peer are well above the 15% level. Conversely, it may allow an entire class to be eligible based upon a comparison of their skills to that of their grade level peers which finds them all to be in the lowest 15%.
14. Where the student is obtaining passing grades, evidence documented in the EPT Report establishes that the removal of current supports and services would adversely affect the student's performance.	It is within this context we ask EPT's to document their professional judgment to establish whether the removal of services would result in a clear adverse effect to the student. NOTE: Students should never be denied services in order to prove an adverse effect. Anecdotal evidence is considered acceptable documentation.

When Using Grades or Other Measures of Academic Proficiency to Establish Adverse Effect	What This Means!
15. Where the student is getting passing grades, documentation cites a history of adverse effect when those special education supports and services were not being provided.	In addition to professional judgment, it may prove helpful to review previous information (i.e. past report cards, educational, attendance, or discipline records) that identified the student's skill set prior to supports and services being provided to the student.
16. When citing grades from content area courses (e.g., science, social studies, etc.), documentation establishes that course requirements related to basic reading, math, writing, motor or language skills are the source of the low grades.	Document in the EPT Report the basic skill(s) that may have been adversely affected and resulted in poor content course grades. Document within the EPT the basic skill deficits and any attempts to remediate this issue through either current general education or special education supports.

When Using Curriculum-based Measures to Establish Adverse Effect	What This Means!
17. Documentation refers to expected performance in the student's grade level curriculum and indicate that, in comparison, the student is performing within the lowest 15% of grade level peers.	Documentation considers the unique modifications where the student performance may appear to meet grade level expectations, but the nature or number of assignments or curriculum has been significantly modified and differs from 85% of the students at that grade level.
18. The results indicate that the student has functional or academic skills that are below 15% to those of grade-level peers.	Document the student's strengths and weaknesses on specific standardized assessments in relation to similar performance objectives.

When Using Criterion-Referenced Tests to Establish Adverse Effect	What This Means!
19. Scores from criterion-referenced tests indicate that the student's performance is in the lowest 15% in comparison to all students at that grade level. NOTE: The SBAC should be used here only as a supplement to other basic skill measures of adverse effect.	Do not limit your findings to one classroom of students but rather to all students at that particular grade level being tested. Take into account the effect of accommodations or modifications used in the taking of the tests. (See the charts of basic skill area assessments for examples of criterion-referenced tests.)

Other Factors to be Considered When Establishing Adverse Effect	What This Means!
20. Documentation indicates that the student is among the lowest 15% in comparison to expected or actual performance of all grade level peers on the same measure as confirmed by the team member with expertise in the area of the disability.	Although not required to be in attendance at the meeting of the EPT, the expert in the field (i.e. the speech pathologist in regards to oral expression or listening comprehension) provided an opinion in regard to the disability determination and, where appropriate, information for the EPT to consider in their determination and documentation of an adverse effect.
21. When using information from cognitive measures to build the case, documentation indicates a link between the student's cognitive profile and performance on basic skills (i.e., low phonemic awareness or cognitive fluency and poor	Document how the cognitive factors might affect the student's quantity or quality of work in comparison to grade level peers.

Other Factors to be Considered When Establishing Adverse Effect	What This Means!
<p>performance on reading achievement measures) as confirmed in collaboration by the team evaluators with expertise in the area of the disability.</p>	
<p>22. When behavior is the concern, documentation establishes a link between behavior and the acquisition of basic skills.</p>	<p>Document the use of additional adult support, behavior plan, or discipline data to identify information unique to this student when compared to grade level peers, either in terms of frequency or intensity of support(s) over a period of time.</p>
<p>23. When standardized test scores indicate performance above the 15% level, the remaining other measures of school performance must be reviewed to establish whether there are at least three other measures to indicate that the lack of a behavior plan or removal of behavioral supports would adversely affect the student's performance.</p>	<p>Similar to what has been mentioned previously in this document, professional judgment about student abilities or a planned fading of supports might provide indirect evidence of the existence of an adverse effect.</p>
<p>24. When refusal or lack of work production is at issue, documentation establishes a link, either direct or indirect, to basic skills as confirmed by the team member with expertise, (i.e. the psychologist), in the area of the disability.</p>	<p>The frequency or any pattern of refusal behavior or the lack of completed assignments over time which might affect a student's access to or performance in a basic skill area may be used to document an adverse effect. NOTE: For example, low test scores that result from limited cooperation can constitute an adverse effect even if the team suspects that the resulting scores are a low estimate of the student's true abilities.</p>
<p>25. For students in restrictive placements and/or placements that have no clearly established grade or age level expectations or norms (e.g., incarcerated students, students in alternative programs), the adverse effect determination is based on standards set out in the Vermont or Common Core Standards and corresponding benchmarks.</p>	<p>For older students, this may require using standards at the highest level available even though the student is well above the age level for those grade level peers.</p>
<p>26. For students who are home schooled, documentation includes at least three different measures that reflect grade level norms and/or appropriate Vermont or Common Core Standards and corresponding benchmarks (e.g., norm-referenced tests, criterion-referenced tests, work samples).</p>	<p>This documentation should include samples of work and a determination as to whether the curriculum used in the home study program was equivalent to that of grade level peers.</p>
<p>27. For students with communication or language-based disabilities, documentation includes at least three different measures that reference grade level expectations (e.g., standardized measures, criterion-referenced measures, formal and informal language samples, and classroom observation(s)).</p>	<p>This includes evidence of deficits identified within the basic skill areas of listening comprehension and oral expression which may adversely affect student progress. This may include such aspects of language as appropriate social communication, eye contact, personal space and appropriate language.</p>

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Training Tool Scavenger Hunt –

Identify the answer and the guideline numbers (#) for the following:

1. What is the minimum requirement for eligibility documentation for adverse effect?
2. True/False – Combined scaled scores, often referred to as broad, cluster, or composite scores are allowed.
3. Can refusal or lack of work production be used as a measure of adverse effect?
4. Who is a student being compared to when using criterion referenced tests? “Do not limit your findings to”(complete this statement)
5. For students in restrictive placements and/or placements that have no clearly established grade or age level expectations or norms the adverse effect determination is based on...(complete this statement)