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Adverse Effect: Documenting Your Findings





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Why Do We Need This Training?

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.



Important 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

Example from Assessment Chart

Adverse Effect – Basic Reading

MEASURE	EXAMPLES	CRITERION FOR COMPARISON
<p>MEASURE 1 <i>Individually Administered 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>



Updates Continued

- Revisions to the evaluation plan and report (AKA Form 2) which include documentation of the assessment tools and results; and
- Documentation of the team's discussion of functional performance (i.e. social/emotional functioning, communication, etc.) 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.



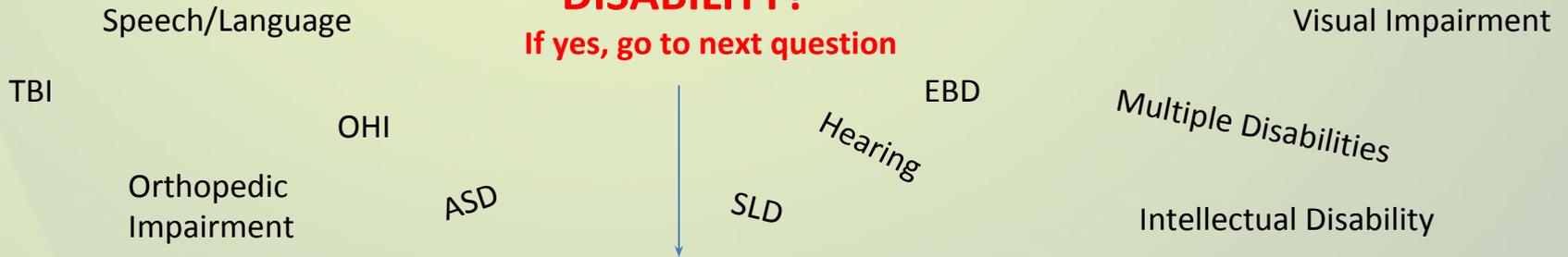
What Needs to be Gathered for Evidence?

- 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.

PROCESS FOR DETERMINATION OF ELIGIBILITY

DISABILITY?

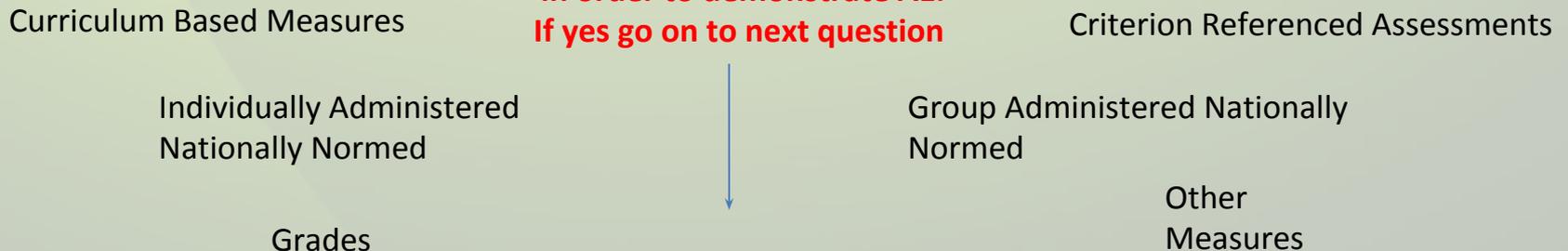
If yes, go to next question



ADVERSE EFFECT?

Must document 3 separate measures out of these 6, in order to demonstrate AE.

If yes go on to next question



NEED?

What does the student need that cannot be provided within the tiered system of supports?

What does the student need that cannot be provided in Tier 1 ?

Are the services /accommodations that the student needs available in Tier 1 or 2?



Process for Determining Eligibility

Disability?

If yes, go to adverse effect.
If no, STOP, student does not qualify

- Hearing Impairment
- Speech/language
- TBI
- Orthopedic Impairment
- OHI
- ASD
- Deaf-blindness
- Emotional disturbance
- Specific Learning Disability
- Multiple Disabilities
- Intellectual Disability
- Visual Impairment

Adverse Effect?

Must document 3 separate measures, out of 6 in the same basic skill. If yes, go to Need. If no, STOP, student does not qualify (consider 504 or EST/PST plan)

- Individually Administered Nationally Normed Achievement Test
- Group Administered Nationally Normed Achievement Test
- Curriculum Based Measures
- Grades
- Criterion Based Measures
- Other

Need?

Does the student need specialized instruction that cannot be provided outside of special education?

- What does the student need that cannot be provided within the tiered system of supports?
- What does the student need that cannot be provided in Tier 1:
- Are there services/accommodations that the student needs available in Tier 1 or 2?



Who are Grade Level Peers?

- Not limited to a single classroom
- May include comparing across the different classrooms at the same grade level or expected school performance at that grade level



What are the Basic Skill Areas?

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

What are the 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)



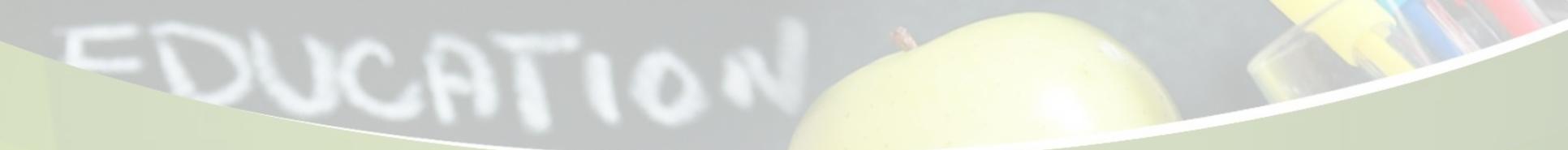
Individually Administered Nationally Normed Achievement Test

- 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



Example of Adverse Effect Statement for Measure 1

Based on Josephine's most recent testing on the KTEA-3 dated 11/01/2015, 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 Nationally 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.



Example of Adverse Effect Statement for Measure 2

Felicia was administered the TOAL-4 (Test of Adolescent and Adult Language - Fourth Edition) with the rest of the 9th grade on 10/09/2017. She obtained a standard score of 82, which places her at the 12th percentile, on the Written Language composite when compared nationally to grade level peers. This demonstrates adverse effect in the basic area of written expression.



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.



Grades Continued

- 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).



Grades Continued

- 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.

Example of Adverse Effect Statement for Measure 3

Based on Leah's most recent report card dated 11/20/15, 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 Continue

- 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

Example of Adverse Effect Statement for Measure 4

- On 12/5/15, 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 Reference 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

Example of Adverse Effect Statement for Measure 5

- Daniel was administered the STAR early literacy assessment as a 3rd grade student on 09/05/2015. 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.



The “Other” Category

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

Example of Adverse Effect Statement for Measure 6

On 10/15/15, 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.

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.

Who's Job is Adverse Effect?

Type of Measure	Criterion	Person Responsible
Individually administered nationally-normed achievement test	-1 SD or 15 th 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 15 th 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



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.

Additional Information

- Additional information, including FAQ's, training handouts, chart of measures, and training documentation regarding adverse effect may be found on the Vermont Agency of Education website at

<http://education.vermont.gov/search/node/adverse%20effect>