

Rule Changes: Updates to Functional Skills

April 25, 2022

Process

- Feedback collected through Office Hour Questions, Rule Changes Survey, conversations with teachers, administrators, community partner focus groups
- Categories of response
 - FAQs that we have immediate answers for
 - Changes to current guidance documents
 - Future documents/guidance
- When documents are updated there will be announcements via WFM and Admin Listservs

Functional Skills Resources

[Webinar](#)

[Guidance to Rule Change: Functional Skills/Functional Performance](#)

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

Guidance Document Highlights

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

Special Education Rule Changes: Functional Skills

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 (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 but includes:

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

FAQs on Current Guidance: Assessment

What assessments are used to assess functional skills?

- Current [Adverse Effect Chart of Measures](#)
- [Guidance Document](#)

What is the expectation for a student in relation to their peers?

- Don't need a specific set of standard deviations.
- Same kinds of questions as with other categories; how are you looking at multiple measures, what is your professional discretion, is there need for special ed services?

What measures are required in order to make a determination based on functional skills?

- There is not a specific assessment, or category required.
- There should be multiple measures, that address all areas of suspected disability, using credible assessment tools.
- Recommend using the [classroom observation tool](#).

FAQs on Current Guidance: Overidentification of Students

- 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.
- [Adverse Effect Worksheet](#)
- Need for Special Education, included in the [Three Gates Guidance Document](#)
- The current language (prior to change) in 2362.2 Procedures for Evaluations, defines evaluations as the assessments, “selected and administered to determine the existence of a disability, the effect the disability has on the child’s educational and functional performance...”
- Adding functional skills as a basic skill areas leads to more comprehensive evals and goals to support students

Functional Skills: Upcoming Changes

1. Evaluations Manual is being updated to include:
 - Links to resources from the AOE on specific assessments to use to evaluate in the area of functional skills
 - A real-world scenario that illustrates how functional skills can be considered during the assessment planning process as well as a scenario further illustrating how they can be analyzed during the determination phase.
 - A rule change call-out in the section on determination that further explains the role that functional skills play (and do not play) in determining if a student is eligible for services
2. Form 2 is being updated to ensure alignment with rule changes.
3. Chart of Measures document is being updated to include additional examples and appropriate measures.
4. SLD Guidance Documents are being updated to clarify that Functional Skills was not added to the skill categories under consideration for eligibility.

Other Updates

- [Specially Designed Instruction Handout: Part II](#) (April 2022)
- Can be found on the [rule changes](#) webpage under either:
 - *November: Special Education Definition* or,
 - *March: Rule Change: New Tools, Materials, Resources...*