

TA Tuesday: Functional Skills, March 28th, 2023

Purpose

Hello Special Education Directors,

Every Tuesday, the AOE will be sending a technical assistance email to LEAs as a reminder and to provide any updates on available resources or professional development for a particular topic related to upcoming special education rule changes. Today's TA topic is the special education rule changes related to functional skills.

Functional Skills

As of July 1, 2023, "Functional Skills" will be added to the list of Basic Skill Areas listed in [Rule 2392\(g\)](#). 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 lifelong opportunities."

Functional skills reflect 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 affect their ability to learn in the general education curriculum.

Functional Skills Case Study

In order to support the implementation of the special education rule changes, scheduled to fully take effect in July 2023, the Agency of Education, and Student Supports Division is offering a series of case studies. The purpose of the case studies is to outline the application of the special education rule changes in a variety of real-life scenarios. One of the case studies in the series introduces Wesley and explores eligibility in the basic skill area of functional skills.

The narrative for Wesley includes questions throughout the text to support individuals in thinking about the application of this rule change within the context of a particular school or district. The narrative is accompanied by all the required forms that must be utilized from the request for an initial evaluation to the completion of an Individualized Education Program (IEP). Wesley's case study and all the related forms can be found on the [Special Education Resources for Special Educators and Administrators](#) webpage under the heading "Functional Skills."

Contact Information:

If you have questions about this document or would like additional information, please contact:
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FAQ: Functional Skills

Q: If a student is eligible for special education under functional skills as the basic skill area, could the resulting service or instruction be provided by someone who could be considered a related services provider (ex. school based mental health clinician, OT, PT, etc.)? Would that service then be considered a Special Education service as we do now when speech language services are the only service in the IEP?

A: As of July 1, 2023, “Functional Skills” will be added to the list of Basic Skill Areas listed in Rule 2392(g). This rule change does not govern who provides services to students or how individual districts classify and assign services. Services could be provided by the school based mental health clinician, occupational therapist, or other related service provider, pending that they were the most qualified individual to provide the service in question. The individual providing the specially designed instruction and the presence of additional services in a student’s plan are IEP team decisions that are made when determining how to best provide individual students with a free appropriate public education. However, current rules do not allow for a related service provider (i.e., OT, PT, Counseling) other than a Speech/Language service to be the lone service provided to a student on an IEP. In addition to the service from a related service provider (excluding speech/language), there would need to be an additional service related to a special educator or speech language pathologist identified in the service section of the IEP.

Q: What is the expectation for a student when considering functional skills? What measures are required in order to make a determination related to functional skills?

A: There is not a specific set of standard deviations when considering expectations related to functional skills. Evaluation Planning Teams would ask similar questions that they currently consider across basic skill areas: Have multiple measures been employed? What is the team’s professional discretion? Is there a need for special education services?

There is not a specific assessment that is required when making determinations based on functional skill performance. However, as with all evaluations, there should be multiple measures that address all areas of suspected disability, using credible assessment tools and qualified evaluators when appropriate. Evaluation procedures used to measure a child’s functional skills must meet the same standards as all other evaluation procedures, consistent with [§300.304\(c\)\(1\)](#).

Additional Resources

[Functional Skills Pre-Recorded Webinar](#) and [Slidedeck](#): This webinar and slidedeck reviews the guidance related to functional skills and the special education rule changes.

[Guidance to Rule Change: Functional Skills/Performance](#): This guidance document reviews examples of functional skills, assessment and evaluation, examples of individually administered assessments, and IEP goal examples.

[K-12 Special Education Evaluation Implementation Guide](#): This comprehensive guide details the changes to special education processes and procedures that will fully take effect in July of 2023. This guide provides school districts, teams, and professionals an opportunity to prepare for the implementation date of the remaining rule changes.

Happy Tuesday,

Special Education Program Team