

Guidance to Rule 2392(g) Change: Functional Skills/Functional Performance

Purpose

As of July 1, 2022, “Functional Skills” has been 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 life-long opportunities.”

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.

This document seeks to provide guidance on the importance of functional performance, assessments for functional skills, and IEP goal writing for functional performance goals.

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)

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Functional Skills Overview

The law recognizes that mastering academics is not the only goal of a meaningful education. The goal of a fully realized education should be to give students the tools to live productive and fulfilling lives. This requires that students begin their post-educational journey with tools to build independence, relationships. For example, a student could be successful at meeting the performance and content standards of the academic requirements, but is struggling to engage in the pragmatics of social skills which leads to difficulties with employment, problem solving, and collaborating with others and initiating conversations, all skills that many professional work environments require.

Functional Skill Examples (not an exhaustive list) Strengths

Social/Emotional and Communication Skills

Personal Self-management Skills
Decision Making and Goal Setting
Responsibility
Personal and Social Behavior
Respect for Diversity
Safety Practices
Intimate Relationships
Cultivating and Maintaining Friendships

Independent Living Skills

Personal Care
Use of Common Tools and Devices
Mobility
Health Management
Nutrition
Sexual Health and Safety

Transition/Job Skills

Money Management/ Personal Finance
Community Access
Vocational Behavior Expectations
Technology

Assessment and Evaluation

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\(c\)\(1\)](#).

Accurate and Measurable Data

Considerations for Assessment: We often consider multiple forms of assessment when looking at academic progress but may not do the same with functional performance. Even though we may not have traditional assessment measures (standardized tests etc.) for all measures of functional performance, we still need to develop assessment strategies, gather baseline data, align needs to goals, provide specialized instruction, and measure progresses. Some functional performance goals are focused on skills a student performs in reaction to peer or adult input, for example: developing a coping mechanism instead of hitting in response to having a toy taken away, or not yelling and swearing in the classroom if you don’t get called on. That can make these skills seem difficult to assess in a controlled environment.

However, typically it is that the student’s replacement behavior that can be measured. For example, if a student is working on frustration tolerance, specifically surrounding losing during a competitive activity, that student may be assessed on their ability to recall replacement phrases, make accurate attributions (“my friends are smiling and laughing because they are enjoying the game, not because they are laughing at me losing”) or coping strategies. Consider the following data sources when assessing the progress that a student is making on a new skill:

Outside Observation: Outside observation by a parent, educator, guidance counselor, para etc., can offer insight into the progress of a student. When making observations, it is important to be clear about the collection of anecdotal snapshots of progress vs. tracking progress data. 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. They may report that the student is “so much better” or “getting much worse” but it is unclear how specific that information is. This makes it difficult to glean further insight on the circumstances leading to the progress or regression. These anecdotal observations can lead to the asking of important questions but are not often sufficient data on their own. Keeping daily data sheets with instructions of what to record that includes clear criteria and definitions for the target behavior can be very useful in collecting this data. It can also be beneficial for multiple parties to engage in targeted observations.

Tracking data in this manner requires training and the ability of personnel to gather objective data. When there is a designated person(s) to complete this task, the effectiveness is related their level of training in data collection, the development of operational definitions, and awareness of the parameters of the system. Teams will need to ensure that all participants have a clear understanding of the behaviors, definitions, and metrics in question.

Self-reporting: Some goals, like those measured across a wide variety of settings, may be very difficult to monitor in a controlled setting or to observe from the outside. Students for whom it is appropriate can and should learn how to record their own data to monitor their own goals. This will be a valuable skill moving forward beyond the classroom. Like with observation data it is essential that the student have the structure to accurately report their data. They should have a clear understanding of the definitions of the target behavior, and a clear system for documentation. Self-reporting may not be an appropriate data collection choice for all students, or all goals, and should be discussed as a team. Some example targets could include, focusing on the task or assignment (on-task), making positive statements to peers, completing work, complying with teacher requests, etc. For additional considerations and examples see the [Iris Learning Modules](#) for self-directed strategies.

Progress Monitoring: When behavior is clearly defined and quantified, it is easy to track in order to monitor progress. While it could be difficult to say whether or not a student is “becoming a better communicator”, it is much easier to note that a student is waiting for their peer to finish their sentence before responding or asking clarifying questions during conversations. 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. Keeping a portfolio of evidence for a student may be helpful. For systemic resources on assessment systems and progress monitoring please refer to the 2019 [VTmtss Field Guide](#), starting on page 38. Supports for measuring and monitoring individual student goals please refer to updated [goal writing guidance](#) and the [webinar](#) supports for using data effectively.

Examples of Individually Administered Assessments:

- Assessment of Basic Language and Learning Skills - Revised (ABLLS-R)
 - Assessment tool, curriculum guide, and skills-tracking system used to help guide the instruction of language and critical learner skills for children with autism or other developmental disabilities. (Birth-12 years)
- Behavior Assessment System for Children (BASC) (1–21years)
 - Monitors changes in children’s behavior or emotional status. (2-21 years)
- Connors
 - Assesses cognitive, behavioral, and emotional problems, with a focus on ADHD and comorbid disorders—providing teacher, parent, and student perspectives. (6-18 years)
- Behavior Rating Inventory for Executive Functioning (BRIEF)
 - Assesses executive function and self-regulation in children and teens. (5–18 years)

- Adaptive Behavior Assessment Scale (ABAS)
 - Provides a complete assessment of adaptive skills across the life span. (Birth- 89 years)
- Vineland Adaptive Behavior Scale (birth-90 years)
 - Supports diagnosis of intellectual and developmental disabilities. (Birth-90 years)
- Scales for Independent Behavior (SIB-R)
 - Provides information about children’s communication, socialization, and other everyday behavior relative to their age. (Birth- 80+ years)
- Brigance Transition Skills Inventory
 - Helps educators easily assess independent living, employment, and additional post-secondary skills to support transition planning for middle- and high-school students.

IEP Goal Examples

The misconception that functional performance goals cannot or should not be held to the same standards as academic goals can detract from their effectiveness. Some uncertainty exists about how to write functional performance goals that match the high standards of academic goals and align with documented areas of need. This section seeks to address some common misconceptions about functional performance goals, and how to address them.

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

Money Management

Lenaris is a 19-year-old boy with Down Syndrome. Lenaris is exploring career options and what he thinks he would like to do when he graduates. His goal is to live independently with support from his older sister who lives close by, but his parents are concerned about his ability to budget his expenses appropriately, even with his sister’s guidance. Lenaris’ case manager has asked Lenaris to create a weekly budget and a grocery list to accompany his budget. Lenaris will be expected to make his grocery list every week, and then he will review it with his case manager for budget-friendliness and appropriate nutritional content.

Standards:

- CC.9-12.A.CED.3 Represent constraints by equations or inequalities, and by systems of equations and/or inequalities, and interpret solutions as viable or non-viable options in a modeling context. For example, represent inequalities describing nutritional and cost constraints on combinations of different foods.
- PBGR (Well-Being.2): Students recognize the value of healthy behaviors and physical activity in promoting health, enjoyment, self-expression and social interaction.
- PBGR (Well-Being.3): Students have the knowledge necessary to make financially responsible decisions that are integral to their everyday lives.
- VTSAS, Informed and Integrative Thinking (A): Apply knowledge from various disciplines and contexts to real life situations.

IEP Goal:

By July 2022, given weekly feedback and instruction, Lenaris will create a grocery list that stays within his budget with 70% accuracy, and he will meet his nutritional targets with 60% accuracy.

IEP Services:

Lenaris' IEP includes 20 minutes twice a week for case management, and math skills development.

Aggression

Gabriella is nine and has Reactive Attachment Disorder (RAD). Gabriella is highly sociable, and has no problem talking to anyone in her vicinity but she has struggled to maintain friendships due to her tendency to react aggressively towards peers when she is in a stressful situation such as not getting what she wants or being ignored. In these situations, Gabriella will yell, hit, or kick peers and adults. Gabriella has difficulty understanding how her actions affect others but has been working on empathy and frustration tolerance with her counselor. Gabriella has been given a visual depicting the coping strategies she has worked on with her counselor and has scheduled breaks in her day when she practices using her strategies (e.g., when she is calm and happy). During these practice sessions her counselor asks her if she experienced any frustration throughout the day, and what she did about it. She records this data, along with data provided by Gabriella's teacher.

Standards:

- SE.1.1.TG.1: Initiate the use of self-calming strategies to cope with uncomfortable emotions.
- PBGR (Well-Being.1): Students develop strategies and interpersonal skills to manage stress, promote mental health and cultivate positive relationships.

IEP Goal:

By September 2021, given direct instruction, modeling, practice, prompts and feedback, in a stressful situation, Gabriella will self-select the use of one of her coping strategies to regulate her feelings and behavior prior to reacting aggressively an average of 85% of the time, as measured by daily collection of teacher observation and self-reported data.

IEP Services:

Gabriella's goal is supported by 30 minutes 3 times per week of counseling services with the therapist, and 30 minutes per week of consultation between Gabriella's case manager, counselor, and classroom teacher.

IEP Accommodations:

Gabriella's accommodations include the coping strategies visual and the scheduled breaks.

Relationship Building

Matthew is 16 and has Attention Deficit Hyperactivity Disorder (ADHD) and Rejection Sensitive Dysphoria (RSD). Matthew has expressed interest in dating but had some trouble last year when he sent a student that he was romantically interested in over 30 text messages without receiving a reply. This led to some negative feedback from the student as well as other peers. Matthew's parents are worried he might get himself into trouble if he can't learn to control his impulses and appropriately handle a lack of interest on the part of the other student.

Matthew will be shown how to record his own data regarding his texting interactions with anyone that he has a romantic interest in. He will review his journal data with his guidance counselor and discuss progress and strategies.

Standards:

- SE.3.1.TG.1: Recognize that social norms and safety considerations guide behavior.
- SE.3.1.TG.4: Demonstrate respect for personal space and belongings.
- SE.1.1.TG.6: Demonstrate patience with personal limitations; controls feelings based on how they affect others.
- PBGR (Well-Being.1): Students develop strategies and interpersonal skills to manage stress, promote mental health and cultivate positive relationships.
- PBGR (Communication.2): 2. Students communicate through a variety of media and create a positive digital footprint.
- PBGR (Communication.3): Students take into consideration multiple points of view.
- VTSAS, Clear and Effective Communication (A): Use evidence and logic appropriately in communication.
- VTSAS, Self-Direction (I): Use technology and digital media strategically and capably.

IEP Goal:

By October 2021, given bi-weekly social skills training with the guidance counselor and a self-reporting journal, When Matthew receives a text message, he will send no more than three text messages in response with 70% accuracy, and will send no more than five messages with 90% accuracy.

IEP Services:

Matthew's services page include bi-weekly social skills training for 30 minutes per week with the guidance counselor, and 15 minutes per week for consultation between Matthew's special educator and his guidance counselor.

IEP Accommodations:

Matthew's accommodations include his self-reporting journal.

Socializing in Groups

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.

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.

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.

Self-esteem

Sarah is seven years old and is diagnosed with generalized anxiety disorder. Her soccer coach reports that she sometimes gets upset about getting constructive or negative feedback from her coach and refuses to continue to play. She tells her coach that she is "bad at soccer", "bad at everything", or that she doesn't want to play. Sometimes she runs and hides, and other times she sits on the bench with her arms crossed and her head down. Sarah says that she likes soccer and wants to be on the team when asked if she wants to quit for good. Sarah is experiencing similar issues in her academics as well.

Sarah's therapist has been working with her on a list of positive affirmations that make her feel empowered and competent. Her coach has been helping to remind her to use her affirmations when he notices signs that she is becoming anxious or upset and has been starting each practice and game with affirmations for the team.

Standards:

- SE.1.1.SG.2: Manage strong emotion using known strategies.
- SE.1.1.TG.6: Demonstrate patience with personal limitations; controls feelings based on how they affect others.
- PBGR (Learner Agency.2): Students develop their own voice and the ability to use it in a variety of settings.

- VTSAS, Self-Direction (H): Persevere in challenging situations.

IEP Goal:

With reminders and a list of affirmations, Sarah will join her teammates on the field when asked by her coach in 90% of the girls' soccer team practices, competitions, and gatherings for the 20-21 Fall season.

IEP Services:

Sarah's IEP services include counseling services 45 minutes each week, and consultation with Sarah's classroom teacher and extra-curricular providers for 20 minutes each week.

IEP Accommodations:

Sarah's accommodations include distribution of her positive affirmations to all adults who work with Sarah and training by the therapist for Sarah's team on anxiety, symptoms, and supporting Sarah in using her positive affirmations.

Decision Making

Jonah is fifteen years old and is diagnosed with an intellectual disability. He is participating in a Community Living program that focuses on functional academics, independent living, and vocational skills. Jonah would like to live away from his parents and have a job when he graduates from high school. Jonah's parents and teachers have discussed that his parents may get guardianship of Jonah when he turns 18. However, when the role of a guardian was explained to Jonah, he expressed that he wanted to be a regular adult and not have anyone in charge of him when he grows up.

Jonah's team realizes that he has not had much practice making decisions for himself. This is a necessary skill for Jonah to have to have in order to achieve his goal of not having a guardian. Jonah joins a self-advocacy group. In addition, Jonah and his case manager chart out what kinds of decisions Jonah is good at making on his own, what decisions Jonah can make with support of trusted adults, and what kind of decision Jonah is not yet making even with support. Based on Jonah's current abilities, Jonah and his team identify ways to give Jonah opportunity for daily practice in decision making that are focused on his education, his use of money, and his medical care as part of his Community Living program.

Standards:

- VTSAS, Clear and Effective Communication (A): Use evidence and logic appropriately in communication.
- VTSAS, Creative and Practical Problem Solving (A): Observe and evaluate situations in order to define problems.
- VTSAS, Self-Direction (F): Analyze the accuracy, bias, and usefulness of information.
- VTSAS, Self-Direction (H): Persevere in challenging situations.
- VTSAS, Informed and Integrative Thinking (A): Apply knowledge from various disciplines and contexts to real life situations.

- PBGR (Learner Agency.2): Students develop their own voice and the ability to use it in a variety of settings.
- PBGR (Communication.3): Students take into consideration multiple points of view.
- PBGR (Well-Being.2): Students recognize the value of healthy behaviors and physical activity in promoting health, enjoyment, self-expression and social interaction.
- PBGR (Well-Being.3): Students have the knowledge necessary to make financially responsible decisions that are integral to their everyday lives.
- PBGR (Critical Thinking and Problem Solving.1) Students use inquiry to solve real-world problems with innovation, creativity and curiosity.
- PBGR (Critical Thinking and Problem Solving.2) Students participate in a collaborative problem-solving and decision-making process.

IEP Goal:

With adult support, when presented with a decision about a major component of his life (education, money, medical care), Jonah will identify the options he has, which trusted adult he will contact to get advice, and the pros and cons of his options before making a decision, on 8 of 10 occasions, as measured by data collection of observation/demonstration, collected by his counselor and/or special educator.

IEP Services:

Jonah's IEP includes 25 minutes 3 days per week of personal development with his special educator, and 25 minutes 2 days per week of personal development with his school-based counselor.

IEP Accommodations:

Jonah's accommodations include a visual of important decisions that a person needs to make to be their own guardian, a graphic organizer for identifying pros and cons, and a contact list with phone numbers and email addresses of the trusted adults Jonah has identified as supporters when he needs advice to make a decision.

Standards and Resources

- [Vermont Early Learning Standards \(VELS\)](#) - Standards to guide curriculum and instruction for students from birth to third grade.
- [Vermont Early Learning Standards Shorthand Guide](#) - Abbreviations to create a shorthand that refers to a specific location within the Vermont Early Learning Standards (VELS).
- [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 Transferrable Skills

- [NTACT Transition Assessment Toolkit](#) - A recommended suite of assessment resources.
- [Transition Assessment Planning Form](#) - A tool to support the planning process.
- [Vermont Graduation Readiness Tool](#) - A tool to help IEP review a student's access to appropriate transition services prior to graduation.
- [PBIS Evaluation Tools](#) - Tools to support PBIS evaluation.