

**Form for the Determination of Adverse Effect on Educational Performance**

Maine Unified Special Education Regulations (MUSER VII.3)

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| Date of Meeting: |  | | | SAU: |  |
| Child’s Name: |  | | | School: |  |
| Date of Birth: |  | Grade: |  | School Phone: |  |
| Parent/Guardian Name: |  |  | | School Address: |  |
| Parent/Guardian Address: |  |  | | City, State Zip: |  |
| Parent/Guardian City, State Zip: |  |  | | School Contact: |  |

**Reason for use of form:** ☐ Initial Eligibility ☐Continuing Eligibility/Dismissal

This form is to be used to consider eligibility for all disability categories except Specific Learning Disability, Speech or Language Impairment, and Deaf-Blindness.

**Adverse effect/Adversely affects definition** (MUSER II.3)

The word “adverse” commonly means “harmful, impeding, obstructing, or detrimental.” To “adversely affect” means to have a negative impact that is more than a minor or transient hindrance, evidenced by findings and observations based on data sources and objective assessments with replicable results. An adverse effect on educational performance does not include a developmentally appropriate characteristic of age/grade peers in the general population.

**I.A.** The IEP Team has reviewed the following assessment(s) or data source(s) to determine adverse effect resulting from the child’s disability [check one of the boxes in each category and provide verification by describing the data that supports the determination as to whether or not adverse effect is demonstrated]:

\* N/A=not available

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| --- | --- | --- | --- |
| 1. Do standard or percentile scores on nationally-normed, individually- administered achievement test(s), or for children ages 3 to 5, appropriate multi-domain nationally-normed test(s) or rating scale(s), demonstrate adverse effect? | **Yes** | **No** | **N/A\*** |
| ☐ | ☐ | ☐ |
| Verification: |  |  |  |
| 2. Do standard or percentile scores on nationally-normed, group- administered achievement test(s), including nationally-normed, curriculum- based measures, demonstrate adverse effect? | **Yes** ☐ | **No** ☐ | **N/A\*** ☐ |
| Verification: |  |  |  |
| 3. Do any reports prepared by the SAU or presented by the parent/guardian that reflect academic or functional performance document adverse effect? | **Yes** ☐ | **No** ☐ | **N/A\*** ☐ |
| Verification: |  |  |  |
| 4. Does the child’s performance on comprehensive assessments based on a system of learning results, or the Common Core as of 2014, or measurements of indicators within the Early Childhood Learning Guidelines, demonstrate adverse effect? | **Yes** ☐ | **No** ☐ | **N/A\*** ☐ |
| Verification: |  |  |  |
| 5. Do criterion-referenced assessments of academic or functional performance demonstrate adverse effect? | **Yes** ☐ | **No** ☐ | **N/A\*** ☐ |
| Verification: |  |  |  |
| 6. Do child work products, language samples, or portfolios demonstrate adverse effect? | **Yes** ☐ | **No** ☐ | **N/A\*** ☐ |
| Verification: |  |  |  |
| 7. Does disciplinary evidence, or rating scales based on systemic  observations in more than one setting (whenever possible) by professionals or parents/guardians, demonstrate adverse effect? | **Yes** ☐ | **No** ☐ | **N/A\*** ☐ |
| Verification: |  |  |  |
| 8. Do the child’s attendance patterns demonstrate adverse effect? | **Yes** ☐ | **No** ☐ | **N/A\*** ☐ |
| Verification: |  |  |  |
| 9. Do the child’s social or emotional deficits (if any), as observed by professionals or parents/guardians in multiple settings (whenever possible), on clinical rating scales or in clinical interviews, demonstrate adverse effect? | **Yes** ☐ | **No** ☐ | **N/A\*** ☐ |
| Verification: |  |  |  |
| 10. Other (add any other data sources) | **Yes** ☐ | **No** ☐ | **N/A\*** ☐ |
| Verification: |  |  |  |

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| **1.B.** Was only one assessment/data source considered? | **Yes** ☐ | **No** ☐ |

If the answer to the question is “Yes”, state the IEP Team’s rationale for the determination that the single assessment/data source is adequate for the determination of adverse effect on educational performance:

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| **II.** Has the IEP Team determined that there is an adverse effect on educational performance resulting from the child’s disability? | **Yes** ☐ | **No** ☐ |

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| --- | --- |
| **III.** | The adverse effect that results from the child’s disability is, (check one) |
| ☐ | of such a degree or kind that the child requires special education in order to benefit from his/her education program. |
| ☐ | correctible through accommodations in the child’s regular education program. |

Summarize the basis for the determination as to whether the child requires special education in order to benefit from his/her education program **OR** the adverse effect is correctible through accommodations in the child’s regular education program.

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If the first box was checked, the child qualifies as a child with a disability under the Maine Unified Special Education Regulations and is entitled to an Individualized Education Program. If the second box was checked, the child does not qualify as a child with a disability under Maine Unified Special Education Regulations and is not entitled to an Individualized Education Program.