**Sample ARC Summary Statements Documenting Adverse Effect**

**ADVERSE Effect:** Adverse effect means the child’s progress is impeded by the disability to the extent that educational performance is significantly and consistently below the level of similar age peers. **(Significantly is NOT defined in the federal regulations).**

**ARCs must look at the individual student performance data compared with peers.  Adverse Effect must have been consistently present, across time and settings.  Situational issues such as divorce or a death in the family – may cause temporary educational problems that should improve with time which means the educational problem is not due to a disability.**

**ADVERSE Effect** should be documented in the in the following areas:

* The student performance data provided in the **integrated report should support the decision of the ARC to determine eligibility for a particular disability and observational data, teacher and parent interviews should substantiate what is documented in the IEP Present Levels and complimentary goals and benchmarks.**
* The decisions on e**ligibility form** with disability criteria must be supported by the student performance data in the integrated report.
* **Present Levels of Academic Achievement and Functional Performance -** an impact statement may be listed for each area of concern. At least one impact statement must be included in the Present Levels.
* The IEP goals and benchmarks should reflect the areas of concern identified on the Present Levels.
* The Eligibility Meeting **conference summary** should include a statement of Adverse Effect and the discussions of the ARC relating to the Adverse Effect of the student’s disability on his/her educational performance.

**SAMPLE CONFERENCE SUMMARY STATEMENTS**

**Sample Adverse Effect Statement for Student Eligible under OHI/ADHD**

*The ARC discussed multiple factors and determined that John meets eligibility as a student with a disability under Other Health Impairment. John’s Attention Deficit/Hyperactivity Disorder, Obsessive Compulsive Disorder, and poor executive functioning skills significantly and consistently impact John’s progress both academically and socially. John’s issues of inattention, inability to focus, and impulsivity have consistently impacted his learning based upon assessment and teacher data. John has difficulty establishing and maintaining friendships in school, has difficulty keeping his materials organized, completing and turning in assignments according to timelines, and adjusting to changes in routine that impact his behavior patterns.*

*The ARC reviewed possible social and cultural factors that may have impacted John’s progress and determined these are not mitigating circumstances. John has had appropriate instruction in reading and math but his ADHD characteristics have significantly impacted his rate of learning compared to peers because of the lack of task completion. The ARC determined that John requires specially designed instruction to support his ability to focus and attend to direct instruction and independent learning activities including homework and class projects. John requires additional support for his executive functioning skills and social skills with peers.*

**Sample Adverse Effect Statement for Student Eligible under MMD**

*The ARC has determined that John meets eligibility as a student with a Mild Mental Disability due to issues of cognitive performance and adaptive behavior that are at least two standard deviations below the mean. John’s testing shows significant deficits in overall academic performance with low achievement in reading, reading comprehension, reading fluency, math, written language. Cognitive abilities, deficits in acquiring, retaining and applying knowledge and adaptive behavior have consistently impacted his learning in core content classes, interaction in social settings with peers and his independence in the home and community based upon assessments and parent/teacher data. John has difficulty working independently in class. He needs multiple visual prompts such as graphic organizers to support learning in content areas and elective classes. John has difficulty maintaining a schedule and needs adult prompting when changes occur in his schedule. John responds well to direct instruction and relies on visual and verbal cues to support his learning. John’s academic and functional skills are at a 3rd grade level which is significantly below his 8th grade peers.*

*The ARC reviewed possible social and cultural factors that may have impacted John’s progress and determined these are not mitigating circumstances. John has had appropriate instruction in reading and math but his cognitive delays and adaptive behavior skill delays, and deficits in acquiring, retaining and applying knowledge impact performance across home, school, and community settings and have significantly impacted his rate of learning compared to peers. The ARC determined that John requires specially designed instruction to support his access to and progress in core content areas and to support direct instruction for independent and functional learning activities.*

**Sample Adverse Effect Statement for Student Eligible under FMD**

*John has met eligibility as a student with a disability under Functional Mental Disabilities. John’s FMD characteristics of cognitive delays and adaptive behaviors that are 3 standard deviations or more below the mean, and significant deficits in acquiring, retaining and generalizing knowledge have adversely impacted John’s achievement in reading, reading comprehension, reading fluency, math, written language and adaptive behavior John requires extensive modifications and accommodations to learn core content concepts. John benefits from adult and peer prompts to help guide him during transitions throughout the day. John’s academic skills are between a preschool and kindergarten level in reading and a 2nd grade level in math. John’s adaptive behavior is similar to a 5 to 7 year old student and requires constant adult supervision in unstructured settings. John is not able to identify danger and is very trusting of all adults. He is a follower and wants to do everything the other high school students are doing.*

*The ARC reviewed possible social and cultural factors that may have impacted John’s progress and determined these are not mitigating circumstances. John has had appropriate instruction in reading and math but his cognitive and adaptive behavior skills delays and severe deficits in acquiring, retaining and generalizing knowledge across home, school, and community settings have significantly impacted his rate of learning compared to peers. The ARC determined that John requires specially designed instruction to support his access to and progress in core content areas and to support his ability to benefit from direct instruction in independent and functional learning activities.*

**Sample Adverse Effect Statement for Student Eligible under EBD**

*The ARC determined that John’s history of emotional and behavior issues across settings and for a documented period of time greater than 6 months have impacted John’s achievement in reading, reading comprehension, reading fluency, math, written language and adaptive* behavior. *John meets Kentucky eligibility as a student with an emotional/behavior disorder. John requires extensive modifications, accommodations, and positive behavioral supports to learn core content concepts due to his explosive behavioral issues that impact his ability to attend, accept, and participate in instructional activities.*

*The ARC reviewed possible social and cultural factors that may have impacted John’s progress and determined these are not mitigating circumstances. John has had appropriate instruction in reading and math but his emotional and behavioral issues across home, school, and community settings have significantly impacted his rate of learning compared to peers. The ARC determined that John requires specially designed instruction to improve interactions with adults and peers and positive behavioral interventions to support his access to and progress in core content areas, and functional skills in home, school, and community social settings.*

**Sample Adverse Effect Statement for Student Eligible under Autism**

*The ARC has determined that John meets Kentucky eligibility as a student with a disability under Autism. John’s characteristics of autism include delayed expressive and receptive language, poor executive functioning skills, sensory concerns, and delayed social skills with peers and adults. These skill deficits have impacted his achievement in reading, reading comprehension, reading fluency, communication, math, written language and adaptive behavior*. *John requires extensive modifications and accommodations to learn core content concepts and to participate in social activities within school including riding the bus, eating in the cafeteria, participating in PE and gym activities, engaging in reciprocal conversations, and understanding appropriate interactions with adults and peers.*

*The ARC reviewed possible social and cultural factors that may have impacted John’s progress and determined these are not mitigating circumstances. John has had appropriate instruction in reading and math but his communication delays and delays in adaptive behavior skills across home, school, and community settings have significantly impacted his rate of learning compared to peers. The ARC determined that John requires specially designed instruction to support his access to and progress in core content areas and social and functional skills. He requires significant adaptations and modifications to his environment and instructional delivery modalities to support his ability to benefit from direct instruction and independent/functional learning activities.*

**STUDENT DETERMINED NOT ELIGIBLE UNDER OHI**

The ARC reviewed the integrated report for assessment, teacher and parent interviews inventories, classroom observations, and reports from the University of Kentucky Medical Center. John has a history of diagnosis under ADHD and received services for the past three years under Developmental Delay. John is seen by a therapist at UK on a monthly basis to monitor his medications. John currently takes 18 mgs. of Concerta® one-time per day. John has graduated from the social skills groups at University of Kentucky and is not enrolled in any outside counseling or therapy.

John is currently functioning at the average range in all academic areas***.*** He gets along well with his peers and is participating in the after school archery program. John has two close friends at school and participates in archery and scouts as extra-curricular activities. John is developing beginning leadership skills in school and is able to take redirection from adults without demonstrating frustration or anger. John has developed a tool kit of strategies to assist with his ADHD characteristics. He uses a planner and his cell phone to keep track of course assignments and homework. He turns in work in a timely manner and is passing all classes with a B average. If John gets anxious regarding an assignment or activity in class he will request adult assistance and will ask for clarification.

The ARC discussed John’s diagnosis and determined that at this time there is no adverse impact on his educational and social performance. John’s diagnosis does not significantly impact his progress or his ability to access the core content. The ARC is in consensus that John does not meet eligibility as a student with a disability under OHI. The ARC was unable to identify any adverse impact academically and/or socially for John in the school setting.

**S**

**Sample Adverse Effect Statement for Student Eligible under Speech**

*The ARC has determined that John’s articulation errors impact his ability to communicate effectively with peers and adults. The constant need to have communication partners ask for him to repeat his words, sentences and phrases causes frustration and impedes the natural flow between communication partners. John’s articulation errors significantly impact his progress and communication in all oral activities including academic, social, and extra-curricular opportunities.*

*The ARC reviewed possible social and cultural factors that may have impacted John’s progress and determined these are not mitigating circumstances. John has had appropriate instruction in speech through modeling and his articulation errors have significantly impacted his oral communication skills compared to peers. The ARC determined that John requires specially designed instruction to support his speech across academic settings and in his interactions with peers and adults.*