

Five areas that may affect Individualized Education Program services

There are five special factors noted in the Individuals with Disabilities Education Act (IDEA) that are very important to the success of some children with disabilities that the Individualized Education Program (IEP) “shall” consider and address annually. The special factors are:

1. Behavior
2. Limited English proficiency
3. Vision impairment
4. Communication needs, including language and communication needs of deaf or hard of hearing students*
5. Assistive technology devices and services*

Once your child qualifies for special education through the identification and evaluation process, your child’s IEP team will develop, or review and revise the IEP every year. The IEP enables your child to be involved in and make progress in the general education curriculum, and meet other educational needs resulting from the disability. Part of this annual IEP development must be the “consideration of special factors” because this discussion and consideration may lead to additional services or accommodations. You can read the law at <https://sites.ed.gov/idea/statute-chapter-33/subchapter-ii/1414/d/3/B>. Research has shown that students with disabilities make academic progress when provided with the appropriate instruction, support, or accommodation.

This handout will:

- Outline the factors
- Discuss how the IEP team may use the special factors in IEP development
- Provide important questions parents may want to ask the school team regarding the factors and their child
- Help parents understand why and how these factors may be the key to helping their child make meaningful educational progress

Some district IEP forms include the special factors on the IEP form itself. In other districts, the IEP form will only document the special factors when discussion has led to a service or accommodation. **In either case, consideration of the special factors is required annually.** Parents should bring up applicable special factors for discussion if the school staff does not.

****Please note that communication needs and assistive technology services and devices are factors that should be considered for all children who have an IEP, regardless of the disability category.***

It is important for parents to look at each of the factors individually. The examples and questions are not part of the law. They are given here to help parents understand how an IEP team may use the special factors. Parents may review the individual factors and note the questions an IEP team must answer to determine if the factor should be considered for their child. Sometimes additional testing may be required to clarify a child's needs before the questions can be answered. Through this "consideration," services or accommodations may need to be added to a child's IEP.

Behavior

Does a child exhibit one or more behaviors that make his or her learning more challenging? Does the child have any behaviors that make learning more difficult for his or her classmates? If the answer to either of these questions is "yes," then the child's IEP team must consider positive behavioral interventions, strategies, and supports that address the child's behavioral needs. In doing so, they would be considering the special factor of behavior. The team will:

- Clearly identify the behavior that interferes with this child's learning or that of others. Sometimes a functional behavioral assessment (FBA) is needed to assess the given behavior. Identifying the behavior includes understanding the function or purpose of the behavior.
- Consider which positive behavior interventions or supports (PBIS) may be effective in managing the behavior. Do parents see this behavior at home? Do parents have effective behavior management strategies?
- Consider other strategies to address the behavior.

For example, the student has a behavior of acting out in the classroom. This behavior disrupts the learning of both the student and his classmates. The student's evaluation shows that the child acts out because he struggles with managing his anxiety from sensory overload due to his autism. The IEP team identifies several positive behavior interventions and supports to teach him to recognize anxiety and how he can manage it by taking sensory or movement breaks throughout his day and every time he starts to get nervous and anxious or before a triggering event. These are written in the IEP under "supplementary aids" and "services or adaptations."

Limited English proficiency

If a child has an IEP and also has limited English language skills, the IEP team must consider the impact of this factor on the child's ability to make meaningful educational progress. The team will consider the impact of limited English skills on learning and progress in the general education curriculum.

For example, if a child has an IEP that addresses a learning disability and the child's primary language is Spanish, the team will consider how they will provide special education services. Perhaps the child will need an English Learner Education program or a Spanish language interpreter during her special education classes. Whatever the team decides is written in the IEP.

Visual impairment

This special factor is about teaching a child who is blind or visually impaired how to use Braille. It is assumed that this child will need to be instructed in Braille and how to use it unless, through evaluation, it is determined that Braille is not appropriate for the child now or in the future. Recent research has shown that individuals with vision loss who use Braille have a much higher rate of employment. New ways of teaching it more quickly have been developed.

Communication needs

Communication can be a special factor for children with a variety of disabilities. The ability to communicate one's wants and needs, and interact with others are critically important skills in school and in life. For students whose disability has impacted their communication skills, individuals need to understand the causes of the communication needs, the impact of communication breakdowns, and what interventions will help the child learn the necessary skills.

For example, does a child with an emotional disability hesitate to speak due to anxiety? Does a child with autism not understand nonverbal communication cues? Does a child with a speech disability need to improve articulation in order to be understood by others? If the answer to any of these questions is "yes," it points to the need for specialized instruction or accommodation to be written in the child's IEP.

Communication needs for deaf or hard of hearing

Children who are deaf or hard of hearing have a unique set of needs. This special factor includes several areas for the IEP team to consider:

- language and communication needs
- opportunities for direct communication with peers and professional personnel in the child's language and mode of communication
- the child's academic level
- the full range of needs, including opportunities for direct instruction in the child's language and communication mode

Questions for the IEP team to consider may include: What is the child's current language and mode of communication? Is it primarily American Sign Language or spoken English? Who are the child's peers and what language do they use? What language do his or her teachers use? The answers to these questions will affect IEP development and often impact placement decisions for these students.

Assistive technology (AT) devices and services

An assistive technology device is any item that is used to increase, maintain, or improve the functional capabilities of the child. An AT service is any service that directly assists the child in the selection, acquisition, or use of an AT device.

This special factor should be considered for all children with IEPs. The overall questions for the IEP team is: Would this child need an assistive technology device or service in order to benefit from special education services, including learning, in the least restrictive environment? Would a service or device increase, maintain, or improve a child's ability to learn and function in school? If the answer is "yes" to any of these questions, the IEP team will conduct an evaluation to see what device or service is appropriate. The plan for this evaluation is put into writing either as an IEP plan to do trials of assistive technology or in a comprehensive evaluation plan.

Technology can be a key for learning and independence for children with disabilities.

For example:

- An assistive listening device may help a student be fully included in a regular education class
- A watch with an alarm or vibration may alert a child that it's time to independently take medication
- A recording pen can help a student record the day's homework on his own
- There are a number of apps available that may improve the child's functional capabilities such as having books read aloud using a computer to convert text to speech

PACER's Simon Technology Center has a tremendous amount of information and resources for parents and students with disabilities. Learn more at pacer.org or call (952) 838-9000.

This overview of the special factors will help you at your next IEP development team meeting. If you have questions about how these factors may apply to your child, discuss it with your child's IEP case manager or call PACER and ask to speak with an advocate.