SPECIAL FACTORS

Authorities: 34 CFR Part 300; Texas Education Code; 19 TAC Chapter 89

Additional Resources

	FEDERAL AND STATE REQUIREMENTS
	BEHAVIOR
	In the case of the child whose behavior impedes the child's learning or
	that of others, the admission, review, and dismissal (ARD) committee
<u>Practice</u>	must consider:
	Citations:
	300.324(a)(2)(i)
	 The use of positive behavioral interventions and supports; and
Document	
	Citations: 300.324(a)(2)(i)
	Other strategies to address that behavior.
Document	Citations:
	300.324(a)(2)(i)
	If the ARD committee determines that a behavior improvement plan or a
	behavioral intervention plan (BIP) is appropriate for the child, the
Practice	plan must be:
11001100	Citations:
	89.1055(g)
	TEC 29.005(g)
	 Included as part of the child's individualized education program
	(IEP); and
Document	
	Citations:
	89.1055(g) TEC 29.005(g)
	 Provided to each teacher with responsibility for educating the child.
	Trovided to each teacher with responsibility for educating the child.
Practice	Citations:
	89.1055(g)
	TEC 29.005(g)
	When considering time-out, as part of the child's IEP and/or BIP, the ARD
<u>Practice</u>	committee must:
	Citations:

Practice **Oomply with the RESTRAINT AND TIME-OUT framework; **Address any necessary documentation or data collection; and **Document Syl.1053(i) **Use any collected data to judge the effectiveness of the intervention and provide a basis for making determinations regarding its continued use. **Document Citations:** **89.1053(i) **ENGLISH LEARNERS (ELs) In the case of the emergent bilingual child, the ARD committee must consider the language needs of the child as such needs relate to the child's IEP. **Citations:** **300.324(a)(2)(ii) **300.24** The ARD committee in conjunction with the language proficiency assessment committee (LPAC) must implement assessment procedures that differentiate between language proficiency and disabling conditions. **Citations:** **89.1230** If the child is identified as an EL, the ARD committee must comply with the ADMISSION, REVIEW, AND DISMISSAL COMMITTEE **MEMBERSHIP** framework by including a professional member of the LPAC to serve on the ARD committee. **Citations:** **S9.1230(f)(J) **S9.1230(f)(J) **S9.1230(f)(J) **Practice** **Practi		FEDERAL AND STATE REQUIREMENTS
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	FEDERAL AND STATE REQUIREMENTS
	are so severe that the English language proficiency assessment cannot be
	administered.
	Citations:
	89.1226(h)
	For ELs who are also eligible for special education services, the
Practice	standardized process for EL program exit is followed: Citations:
ractice	89.1226(h)
	89.1226(i)-(k)
	However, annual meetings to review progress and make
	recommendations for reclassification must be made in all instances
Practice	by the ARD committee in conjunction with the LPAC.
Tractice	
	Citations:
	89.1226(h) For an El with a significant cognitive disability, the APD committee in
	For an EL with a significant cognitive disability, the ARD committee in conjunction with the LPAC may determine that the state's English
<u>Practice</u>	language proficiency assessment for reclassification is not appropriate because of the nature of the child's disabling condition:
	Citations:
	89.1226(m)
	In which case, the ARD committee in conjunction with the LPAC
	may recommend that the child take the state's alternate English
	language proficiency assessment, determine an appropriate
	performance standard for reclassification by language domain, and
Practice	utilize the results of a subjective teacher evaluation using the
1 Tactice	state's standardized alternate rubric.
	Citations: 89.1226(m)
	89.1226(ii) 89.1226(i)(1)
	BLIND OR VISUALLY IMPAIRED
	In the case of the child who is blind or visually impaired, after an
Practice	evaluation of the child's reading and writing skills, needs, and appropriate
	reading and writing media, including an evaluation of the child's future
	needs for instruction in braille or the use of braille, the ARD committee
	must either:
	Citations:
	300.324(a)(2)(iii)

	FEDERAL AND STATE REQUIREMENTS
	 Provide for reading and writing instruction in braille and the use of
Document	braille; or
Document	Citations:
	300.324(a)(2)(iii)
	Determine that instruction in braille or the use of braille is not
D	appropriate.
Document	Citations:
	300.324(a)(2)(iii)
	Before placing the child with a visual impairment in a classroom setting, or within a
	reasonable period of time after placement, the local education agency (LEA) must
	provide: Citations:
	TEC 30.002(c)(4)
	Evaluation of the impairment; and
Dogument	Citation
Document	Citations: TEC 30.002(c)(4)(A)
	TEC 30.002(e)(4)
	 Instruction in an expanded core curriculum, which is required for
	the child to succeed in classroom settings and derive lasting,
	practical benefits from the education by the LEA, including
Document	instruction in:
	Citations:
	TEC 30.002(c)(4)(B)
	TEC 30.002(e)(4) Component runskills, such as braille and consent
	 Compensatory skills, such as braille and concept development, and other skills needed to access the rest of
	the curriculum;
Document	,
	Citations:
	TEC 30.002(c)(4)(B)(i) TEC 30.002(e)(4)
	Orientation and mobility;
Document	Citations:
	TEC 30.002(c)(4)(B)(ii) TEC 30.002(e)(4)
	$\frac{120}{300.34(c)(7)}$

FEDERAL AND STATE REQUIREMENTS
Social interaction skills;
Document Citations:
TEC 30.002(c)(4)(B)(iii)
TEC 30.002(e)(4)
 Career planning;
Occument Citations:
TEC 30.002(c)(4)(B)(iv)
TEC 30.002(e)(4)
 Assistive technology, including optical devices;
Document Citations:
TEC $30.002(c)(4)(B)(v)$
TEC 30.002(e)(4)
 Independent living skills;
Occument Citations:
TEC 30.002(c)(4)(B)(vi)
TEC 30.002(e)(4)
 Recreation and leisure enjoyment;
Occument Citations:
TEC 30.002(c)(4)(B)(vii)
TEC 30.002(e)(4)
 Self-determination; and
Document Citations:
TEC 30.002(c)(4)(B)(viii)
TEC 30.002(e)(4)
 Sensory efficiency.
Occument Citations:
TEC $30.002(c)(4)(B)(ix)$
TEC 30.002(e)(4)
The ARD committee must develop an IEP that:
ractice Citations: TEC 30.002(e)
89.1055(d)
Provides a detailed description of the arrangements made to
provide the child with an evaluation of the impairment and

	FEDERAL AND STATE REQUIREMENTS
	instruction in the expanded core curriculum required for children
	with visual impairments;
	Citations:
	TEC 30.002(e)(4)
	300.34(c)(7)
Document	 Sets forth the plans and arrangements made for contacts with and continuing services to the child beyond regular school hours to ensure the child receives the instruction required for children with visual impairments; and
	Citations:
	TEC 30.002(e)(5)
	TEC 30.002(c)(4)
	Reflects that the child has been provided a detailed explanation of the various consider recoverage available in the construction and
	the various service resources available in the community and
Document	throughout the state.
	Citations:
	TEC 30.002(e)(3)
	In the development of the IEP for the child with a visual impairment,
Practice	proficiency in reading and writing is a significant indicator of the child's
<u>r ractice</u>	satisfactory educational progress. Citations:
	TEC 30.002(f)
	The IEP for a child with a visual impairment must include instruction in
	braille and the use of braille unless the child's ARD committee determines
Document	and documents that braille is not an appropriate literacy medium for the
	child.
	Citations: TEC 30.002(f)
1 Idetice	The ARD committee's determination must be based on an evaluation of the child's appropriate literacy media and literacy skills and the child's current and future instructional needs. Citations: TEC 30.002(f)
	Braille instruction may be used in combination with other special
	education services appropriate to the child's educational needs, and must
	be provided by a teacher certified to teach children with visual
	impairments.
	Citations:

	FEDERAL AND STATE REQUIREMENTS
	<u>TEC 30.002(f)</u>
	Each person assisting in the development of the child's IEP must receive
Practice	information describing the benefits of braille instruction.
	Citations:
	TEC 30.002(f-1)
	The LEA must provide each parent with the state-adopted form that
Document	contains written information about programs offered by state institutions.
	Citations: TEC 30.004
	For a child with a visual impairment who is placed in the Texas School for
	the Blind and Visually Impaired, the LEA in which the child resides is
	responsible for assuring that a free appropriate public education is
Practice	provided to the child and that all legally required meetings for the
	purpose of developing and reviewing the child's IEP are conducted.
	Citations:
	TEC 30.021
	COMMUNICATION
	The ARD committee must consider the communication needs of the child.
Document	Citations:
	300.324(a)(2)(iv)
	DEAF OR HARD OF HEARING
	In the case of the child who is deaf or hard of hearing, the ARD committee
<u>Practice</u>	must consider:
	Citations: 300.324(a)(2)(iv)
	The child's language and communication needs;
Document	Citations:
	300.324(a)(2)(iv)
	The child's opportunities for direct communications with peers and
	professional personnel in the child's language and communication
Document	mode;
	Citations: 300.324(a)(2)(iv)
	The child's academic level; and
Document	Citations:
	300.324(a)(2)(iv)

	FEDERAL AND STATE REQUIREMENTS
	The child's full range of needs, including opportunities for direct
D	instruction in the child's language and communication mode.
Document	Citations:
	300.324(a)(2)(iv)
	The LEA must ensure that the child who is deaf or hard of hearing has an
	education in which the child's unique communication mode is respected,
<u>Practice</u>	used, and developed to an appropriate level of proficiency.
	Citations:
	TEC 29.303 The LEA must provide each parent with the state adented form that
	The LEA must provide each parent with the state-adopted form that contains written information about programs offered by state institutions.
Document	Citations:
	TEC 30.004
	ASSISTIVE TECHNOLOGY
	The ARD committee must consider whether the child needs assistive
Document	technology devices and services.
	Citations: 300.324(a)(2)(v)
	The term assistive technology device (ATD) is any item, piece of equipment,
	or product system, whether acquired commercially off the shelf, modified,
	or customized, that is used to increase, maintain, or improve functional
<u>1 Tactice</u>	capabilities of the child with a disability.
	Citations:
	300.5
	The term ATD does not include a medical device that is surgically implanted, or the replacement of such device.
<u>Practice</u>	Citations:
	<u>300.5</u>
	The term <i>assistive technology service</i> means any service that directly
	assists the child with a disability in the selection, acquisition, or use of an
Practice	ATD, and includes:
	Citations: 300.6
<u>Practice</u>	The evaluation of the needs of the child, including a functional
	evaluation of the child in the child's customary environment;
	Citations:
	300.6(a)
Practice	Purchasing, leasing, or otherwise providing for the acquisition of
	ATDs by the child;

	FEDERAL AND STATE REQUIREMENTS
	Citations:
	300.6(b)
<u>Practice</u>	 Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing ATDs; Citations: 300.6(c)
Practice	 Coordinating and using other therapies, interventions, or services with ATDs, such as those associated with existing education and rehabilitation plans and programs; Citations:
	300.6(d)
Practice	 Training or technical assistance for the child or, where appropriate, the family of the child; and
	Citations:
	300.6(e)
<u>Practice</u>	 Training or technical assistance for professionals, including individuals providing education and rehabilitation services, employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of the child.
	Citations:
	300.6(f)
	AUTISM
<u>Practice</u>	In the case of the child with autism, the strategies below must be considered by the ARD committee, based on peer-reviewed, research-based educational programming practices to the extent practicable, and when needed, addressed in the IEP: Citations: 89.1055(e) 300.320(a)(4)
Document	 Extended educational programming (for example: extended day and/or extended school year services that consider the duration of programs/settings based on assessment of behavior, social skills, communication, academics, and self-help skills); Citations:
	89.1055(e)(1)
Document	 Daily schedules reflecting minimal unstructured time and active engagement in learning activities (for example: lunch, snack, and

	FEDERAL AND STATE REQUIREMENTS
	recess periods that provide flexibility within routines; adapt to individual skill levels; and assist with schedule changes, such as changes involving substitute teachers and pep rallies);
	Citations: 89.1055(e)(2)
Document	 In-home and community-based training or viable alternatives that assist the child with acquisition of social/behavioral skills (for example: strategies that facilitate maintenance and generalization of such skills from home to school, school to home, home to community, and school to community);
	Citations: 89.1055(e)(3)
Document	 Positive behavior support strategies based on relevant information (for example: antecedent manipulation, replacement behaviors, reinforcement strategies, and data-based decisions; and a BIP developed from a functional behavioral assessment that uses current data related to target behaviors and addresses behavioral programming across home, school, and community-based settings);
	Citations: 89.1055(e)(4)
Document	Beginning at any age, consistent with the <u>TRANSITION</u> <u>SERVICES</u> framework, futures planning for integrated living, work, community, and educational environments that considers skills necessary to function in current and post-secondary environments;
	Citations: 89.1055(e)(5)
Document	 Parent/family training and support, provided by qualified personnel with experience in autism spectrum disorders that, for example:
	Citations: 89.1055(e)(6)
Practice	 Provides a family with skills necessary for the child to succeed in the home/community setting;
	Citations:

	FEDERAL AND STATE REQUIREMENTS
	89.1055(e)(6)(A)
<u>Practice</u>	 Includes information regarding resources (for example: parent support groups, workshops, videos, conferences, and materials designed to increase parent knowledge of specific teaching/management techniques related to the child's curriculum); and Citations:
	89.1055(e)(6)(B)
<u>Practice</u>	 Facilitates parental carryover of in-home training (for example: strategies for behavior management and developing structured home environments and/or communication training so that parents are active participants in promoting the continuity of interventions across all settings);
	Citations:
	89.1055(e)(6)(C)
Document	 Suitable staff-to-child ratio appropriate to identified activities and as needed to achieve social/behavioral progress based on the child's developmental and learning level (acquisition, fluency, maintenance, generalization) that encourages work towards individual independence as determined by, for example:
	Citations:
	89.1055(e)(7)
Practice	 Adaptive behavior evaluation results; Citations: 89.1055(e)(7)(A)
	Behavioral accommodation needs across settings; and
<u>Practice</u>	Citations: 89.1055(e)(7)(B)
	 Transitions within the school day;
<u>Practice</u>	Citations: 89.1055(e)(7)(C)

	FEDERAL AND STATE REQUIREMENTS
Document	 Communication interventions, including language forms and functions that enhance effective communication across settings (for example: augmentative, incidental, and naturalistic teaching); Citations:
	89.1055(e)(8)
Document	 Social skills supports and strategies based on social skills assessment/curriculum and provided across settings (for example: trained peer facilitators [e.g., circle of friends], video modeling, social stories, and role playing);
	Citations: 89.1055(e)(9)
Document	 Professional educator/staff support (for example: training provided to personnel who work with the child to assure the correct implementation of techniques and strategies described in the IEP); and
	Citations: 89.1055(e)(10)
Document	 Teaching strategies based on peer-reviewed, research-based practices for children with autism spectrum disorder (for example: those associated with discrete-trial training; visual supports, applied behavior analysis, structured learning, augmentative communication, or social skills training).
	Citations: 89.1055(e)(11)
Document	If the ARD committee determines that services are not needed in one or more of the areas specified above, the ARD committee must include a statement in the IEP to that effect and the basis upon which the determination was made. Citations:
	89.1055(f) 89.1055(e)
_	CHILDREN WITH A DISABILITY THAT MAY IMPEDE EFFECTIVE COMMUNICATION
Practice	For each eligible child who is 16 years of age or older, who has a health condition or disability that may impede effective communication with a peace officer, the LEA will:

	FEDERAL AND STATE REQUIREMENTS
	<u>Citations:</u>
	TEC 29.0113(a)
	 Annually provide information regarding the "Texas Driving with
	Disability Program" to the child and to the child's parents;
Document	
	Citations:
	TEC 29.0113(a) TEC 29.0113(b)
	Until the earlier of the child's;
Practice	
Tractice	<u>Citations:</u>
	<u>TEC 29.0113(b)</u>
	 Graduation from high school; or
Practice	
	Citations:
	TEC 29.0113(b)(1)
	 21st birthday.
Practice	
	<u>Citations:</u>
	<u>TEC 29.0113(b)(2)</u>

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