

SPECIAL FACTORS

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

[Additional Resources - Behavior](#)

[Additional Resources - Limited English Proficiency](#)

[Additional Resources - Blind or Visually Impaired](#)

[Additional Resources - Deaf or Hard of Hearing](#)

[Additional Resources - Assistive Technology](#)

[Additional Resources - Autism](#)

DOCUMENT/ PRACTICE	FEDERAL AND STATE REQUIREMENTS	CITATIONS
	BEHAVIOR	
P	In the case of the child whose behavior impedes the child's learning or that of others, the admission, review, and dismissal (ARD) committee must consider:	300.324(a)(2)(i)
D	<ul style="list-style-type: none"> The use of positive behavioral interventions and supports; and 	300.324(a)(2)(i)
D	<ul style="list-style-type: none"> Other strategies to address that behavior. 	300.324(a)(2)(i)
P	If the ARD committee determines that a behavior improvement plan or a behavioral intervention plan (BIP) is appropriate for the child, the plan must be:	89.1055(g) TEC 29.005(g)
D	<ul style="list-style-type: none"> Included as part of the child's individualized education program (IEP); and 	89.1055(g) TEC 29.005(g)
P	<ul style="list-style-type: none"> Provided to each teacher with responsibility for educating the child. 	89.1055(g) TEC 29.005(g)
P	When considering time-out, as part of the child's IEP and/or BIP, the ARD committee must:	89.1053(i)
P	<ul style="list-style-type: none"> Comply with the RESTRAINT AND TIME-OUT framework; 	
D	<ul style="list-style-type: none"> Address any necessary documentation or data collection; and 	89.1053(i)
D	<ul style="list-style-type: none"> Use any collected data to judge the effectiveness of the intervention and provide a 	89.1053(i)

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	basis for making determinations regarding its continued use.	
	ENGLISH LEARNERS (ELs)	
D	In the case of the <u>emergent bilingual</u> child with limited English proficiency , the ARD committee must consider the language needs of the child as such needs relate to the child's IEP.	300.324(a)(2)(ii) 300.24
P	The ARD committee in conjunction with the language proficiency assessment committee (LPAC) must implement assessment procedures that differentiate between language proficiency and disabling conditions.	89.1226(l) 89.1230
P	If the child is identified as an EL, the ARD committee must comply with the <u>ADMISSION, REVIEW, AND DISMISSAL COMMITTEE MEMBERSHIP</u> framework by including a professional member of the LPAC to serve on the ARD committee.	89.1050(c)(1)(J) 89.1203(7)
P	The decision for entry into a bilingual education or English as a second language program must be determined by the ARD committee in conjunction with the LPAC and must comply with the <u>STATE AND DISTRICTWIDE ASSESSMENTS</u> framework.	89.1226(h)
P	The ARD committee in conjunction with the LPAC must identify a child as an EL if the child's ability in English is so limited or the child's disabilities are so severe that the English language proficiency assessment cannot be administered.	89.1226(h)
P	For ELs who are also eligible for special education services, the standardized process for EL program exit is followed:	89.1226(h) 89.1226(i)-(k)
P	<ul style="list-style-type: none"> However, annual meetings to review progress and make recommendations for program <u>exitreclassification</u> must be made in all instances by the ARD committee in conjunction with the LPAC. 	89.1226(h)
P	For an EL with <u>a significant cognitive disabilitiesdisability</u> , the ARD committee in conjunction with the LPAC may determine that the state's English language proficiency assessment for <u>exitreclassification</u> is not appropriate because of the nature of the child's disabling condition:	89.1226(m)

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P	<ul style="list-style-type: none"> 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 and must, determine an appropriate performance standard requirement for exit <u>reclassification by language domain, and utilize the results of a subjective teacher evaluation using the state's standardized alternate rubric.</u> 	89.1226(m) 89.1226(i)(1)
BLIND OR VISUALLY IMPAIRED		
P	<p>In the case of the child who is blind or visually impaired, after an 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:</p>	300.324(a)(2)(iii)
D	<ul style="list-style-type: none"> Provide for reading and writing instruction in braille and the use of braille; or 	300.324(a)(2)(iii)
D	<ul style="list-style-type: none"> Determine that instruction in braille or the use of braille is not appropriate. 	300.324(a)(2)(iii)
P	<p>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:</p>	TEC 30.002(c)(4)
D	<ul style="list-style-type: none"> Evaluation of the impairment; and 	TEC 30.002(c)(4)(A) TEC 30.002(e)(4)
D	<ul style="list-style-type: none"> 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 instruction in: 	TEC 30.002(c)(4)(B) TEC 30.002(e)(4)
D	<ul style="list-style-type: none"> <ul style="list-style-type: none"> Compensatory skills, such as braille and concept development, and other skills needed to access the rest of the curriculum; 	TEC 30.002(c)(4)(B)(i) TEC 30.002(e)(4)
D	<ul style="list-style-type: none"> <ul style="list-style-type: none"> Orientation and mobility; 	TEC 30.002(c)(4)(B)(ii)

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		TEC 30.002(e)(4) 300.34(c)(7)
D	<ul style="list-style-type: none"> ○ Social interaction skills; 	TEC 30.002(c)(4)(B)(iii) TEC 30.002(e)(4)
D	<ul style="list-style-type: none"> ○ Career planning; 	TEC 30.002(c)(4)(B)(iv) TEC 30.002(e)(4)
D	<ul style="list-style-type: none"> ○ Assistive technology, including optical devices; 	TEC 30.002(c)(4)(B)(v) TEC 30.002(e)(4)
D	<ul style="list-style-type: none"> ○ Independent living skills; 	TEC 30.002(c)(4)(B)(vi) TEC 30.002(e)(4)
D	<ul style="list-style-type: none"> ○ Recreation and leisure enjoyment; 	TEC 30.002(c)(4)(B)(vii) TEC 30.002(e)(4)
D	<ul style="list-style-type: none"> ○ Self-determination; and 	TEC 30.002(c)(4)(B)(viii) TEC 30.002(e)(4)
D	<ul style="list-style-type: none"> ○ Sensory efficiency. 	TEC 30.002(c)(4)(B)(ix) TEC 30.002(e)(4)
P	The ARD committee must develop an IEP that:	TEC 30.002(e) 89.1055(d)
D	<ul style="list-style-type: none"> • Provides a detailed description of the arrangements made to provide the child with an evaluation of the impairment and instruction in the expanded core curriculum required for children with visual impairments; 	TEC 30.002(e)(4) 300.34(c)(7)
D	<ul style="list-style-type: none"> • Sets forth the plans and arrangements made for contacts with and continuing services to the child beyond regular school hours to ensure 	TEC 30.002(e)(5) TEC 30.002(c)(4)

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	the child receives the instruction required for children with visual impairments; and	
D	<ul style="list-style-type: none"> Reflects that the child has been provided a detailed explanation of the various service resources available in the community and throughout the state. 	TEC 30.002(e)(3)
P	In the development of the IEP for the child with a visual impairment, proficiency in reading and writing is a significant indicator of the child's satisfactory educational progress.	TEC 30.002(f)
D	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 and documents that braille is not an appropriate literacy medium for the child.	TEC 30.002(f)
P	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.	TEC 30.002(f)
D	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.	TEC 30.002(f)
P	Each person assisting in the development of the child's IEP must receive information describing the benefits of braille instruction.	TEC 30.002(f-1)
D	The LEA must provide each parent with the state-adopted form that contains written information about programs offered by state institutions.	TEC 30.004
P	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 provided to the child and that all legally required meetings for the purpose of developing and reviewing the child's IEP are conducted.	TEC 30.021
COMMUNICATION		
D	The ARD committee must consider the communication needs of the child.	300.324(a)(2)(iv)
DEAF OR HARD OF HEARING		

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P	In the case of the child who is deaf or hard of hearing, the ARD committee must consider:	300.324(a)(2)(iv)
D	<ul style="list-style-type: none"> The child's language and communication needs; 	300.324(a)(2)(iv)
D	<ul style="list-style-type: none"> The child's opportunities for direct communications with peers and professional personnel in the child's language and communication mode; 	300.324(a)(2)(iv)
D	<ul style="list-style-type: none"> The child's academic level; and 	300.324(a)(2)(iv)
D	<ul style="list-style-type: none"> The child's full range of needs, including opportunities for direct instruction in the child's language and communication mode. 	300.324(a)(2)(iv)
P	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, used, and developed to an appropriate level of proficiency.	TEC 29.303
D	The LEA must provide each parent with the state-adopted form that contains written information about programs offered by state institutions.	TEC 30.004
ASSISTIVE TECHNOLOGY		
D	The ARD committee must consider whether the child needs assistive technology devices and services.	300.324(a)(2)(v)
P	The term <i>assistive technology device</i> (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 capabilities of the child with a disability.	300.5
P	The term ATD does not include a medical device that is surgically implanted, or the replacement of such device.	300.5
P	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 ATD, and includes:	300.6
P	<ul style="list-style-type: none"> The evaluation of the needs of the child, including a functional evaluation of the child in the child's customary environment; 	300.6(a)

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P	<ul style="list-style-type: none"> Purchasing, leasing, or otherwise providing for the acquisition of ATDs by the child; 	300.6(b)
P	<ul style="list-style-type: none"> Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing ATDs; 	300.6(c)
P	<ul style="list-style-type: none"> Coordinating and using other therapies, interventions, or services with ATDs, such as those associated with existing education and rehabilitation plans and programs; 	300.6(d)
P	<ul style="list-style-type: none"> Training or technical assistance for the child or, where appropriate, the family of the child; and 	300.6(e)
P	<ul style="list-style-type: none"> 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. 	300.6(f)
AUTISM		
P	<p>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:</p>	89.1055(e) 300.320(a)(4)
D	<ul style="list-style-type: none"> 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); 	89.1055(e)(1)
D	<ul style="list-style-type: none"> Daily schedules reflecting minimal unstructured time and active engagement in learning activities (for example: lunch, snack, and 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); 	89.1055(e)(2)
D	<ul style="list-style-type: none"> 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 	89.1055(e)(3)

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	<p>school, school to home, home to community, and school to community);</p>	
D	<ul style="list-style-type: none"> • 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); 	<p>89.1055(e)(4)</p>
D	<ul style="list-style-type: none"> • Beginning at any age, consistent with the TRANSITION SERVICES framework, futures planning for integrated living, work, community, and educational environments that considers skills necessary to function in current and post-secondary environments; 	<p>89.1055(e)(5)</p>
D	<ul style="list-style-type: none"> • Parent/family training and support, provided by qualified personnel with experience in autism spectrum disorders that, for example: 	<p>89.1055(e)(6)</p>
P	<ul style="list-style-type: none"> ○ Provides a family with skills necessary for the child to succeed in the home/community setting; 	<p>89.1055(e)(6)(A)</p>
P	<ul style="list-style-type: none"> ○ 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 	<p>89.1055(e)(6)(B)</p>
P	<ul style="list-style-type: none"> ○ 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); 	<p>89.1055(e)(6)(C)</p>

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D	<ul style="list-style-type: none"> • 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: 	89.1055(e)(7)
P	<ul style="list-style-type: none"> ○ Adaptive behavior evaluation results; 	89.1055(e)(7)(A)
P	<ul style="list-style-type: none"> ○ Behavioral accommodation needs across settings; and 	89.1055(e)(7)(B)
P	<ul style="list-style-type: none"> ○ Transitions within the school day; 	89.1055(e)(7)(C)
D	<ul style="list-style-type: none"> • Communication interventions, including language forms and functions that enhance effective communication across settings (for example: augmentative, incidental, and naturalistic teaching); 	89.1055(e)(8)
D	<ul style="list-style-type: none"> • 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); 	89.1055(e)(9)
D	<ul style="list-style-type: none"> • 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 	89.1055(e)(10)
D	<ul style="list-style-type: none"> • 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). 	89.1055(e)(11)
D	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	89.1055(f) 89.1055(e)

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	in the IEP to that effect and the basis upon which the determination was made.	

| Last Updated: ~~Wednesday, January 22, 2020~~ Friday, November 19, 2021