

# ADMISSION, REVIEW, AND DISMISSAL COMMITTEE

## SPECIAL FACTORS

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## Special Factors

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## Special Factors

### **SPECIAL FACTORS**

State and federal law require consideration of special factors for students with the following special education eligibilities or needs/supports:

- Students with Behavioral Needs;
- English Learner Students;
- Blind or Visually Impaired Students;
- Deaf or Hard of Hearing Students;
- Assistive Technology; and
- Students with Autism Spectrum Disorder.

### ***STUDENTS WITH BEHAVIORAL NEEDS***

#### **What is Required**

If a special education student's behavior is impeding the student's learning or that of others, the ARD Committee must consider the use of positive behavioral interventions and supports and other behavior strategies to address the behavior. If appropriate, the ARD Committee will develop a Behavior Intervention Plan or a Behavior Improvement Plan ("BIP") to be included in the student's IEP. A BIP is a written plan developed as part of the IEP to address behavioral concerns affecting the student's educational progress. A BIP is based on a functional behavioral assessment ("FBA") of the problem behaviors, identifies events that predict these behaviors, and includes positive interventions to change behaviors and methods of evaluation. If the ARD Committee develops a BIP, a copy of the BIP will be provided to each of the student's teachers. The purpose of a BIP is to redirect the student's targeted behaviors to ensure the student can make appropriate progress in light of the student's unique circumstances.

An ARD Committee may also consider time-out as part of the student's IEP and/or BIP. If a student requires any type of time-out, the District must comply with state requirements and documentation. See *RESTRAINT AND TIME-OUT*. The ARD Committee is required to address any necessary documentation or data collection and use any collected data to judge the effectiveness of time-out as an intervention and provide a basis for making determinations regarding its continued use.

#### **Additional Procedures**

Behavior supports or interventions for a student with a disability may include direct services (such as counseling and/or social skills training), indirect services (such as consultation or training of service providers or parent training), behavior accommodations,



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curriculum modifications, behavior goals and objectives, and/or a BIP.

If the ARD Committee determines that a BIP is appropriate for the student, Campus or District Special Education Personnel, such as a teacher or a LSSP, may conduct an FBA for the student. An FBA is generally understood to be an individualized evaluation of a student to assist in determining eligibility and/or the nature and extent of the special education and related services that the student needs, including the need for a BIP. As such, in most cases, parental consent is required for an FBA. See *CONSENT FOR INITIAL EVALUATION* and *CONSENT FOR REEVALUATION*.

An FBA is a process for collecting data to determine the possible cause of problem behaviors and to identify strategies to address the behaviors. Although an FBA is only *required* in the context of disciplining a student with a disability, an FBA may be conducted whenever an ARD Committee is considering a BIP for a student, and sometimes more often when the student's behavior has changed, or interventions and strategies in the current BIP are no longer effective. Additionally, when considering positive behavior support strategies for a student with autism, the ARD Committee should consider a BIP developed from an FBA that uses current data related to target behaviors and addresses behavioral programming across environments.

The scope and nature of the FBA will depend on the nature and severity of the student's behaviors. The District or Campus Assessment Personnel will observe the student in various school settings and collect input from staff and members of the ARD Committee, including the parent. The District or Campus Assessment Personnel will consider the data, including interviews conducted with the student and/or parents that provides information about how the student's environment contributes to positive and problem behaviors, including the antecedents to the behavior. This information will be used to develop a hypothesis about why problem behaviors occur (the function of the behaviors) and will identify replacement behaviors that can be taught and that serve the same purpose for the student.

The FBA will provide the ARD Committee with information regarding the function of the student's behavior, factors that may trigger certain behavior, and interventions identified to decrease negative behaviors and increase appropriate behaviors. This information will be reviewed by the ARD Committee when developing a BIP and or behavior goals or accommodations for the student.

The BIP should include positive strategies and supports to help target the student's behaviors. The BIP should also include reinforcements and consequences to enable the student to reflect on the exhibited targeted behaviors.

The BIP must be provided to every teacher who is educating the student, as well as other staff members assisting the student, such as a paraprofessionals or related service



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providers who are working with the student.

The ARD Committee should determine the best way to monitor the student's progress and BIP implementation. The ARD Committee should also establish how often staff should document behaviors. For example, a campus can use a "BIP tracking sheet" for teachers to document, on a weekly basis, observed targeted behaviors and the interventions the teacher attempted, per the student's BIP. Use of a BIP tracking sheet is one way to monitor whether the BIP is effective. The ARD Committee should ensure that teachers are aware of how to track BIP implementation and how frequent such information should be tracked.

If a student who is identified as a student with a disability under the IDEA violates the District's Student Code of Conduct, Campus Personnel must ensure that the student's BIP is followed when applying consequences from the Student Code of Conduct. See *DISCIPLINE*.

If a student who has a BIP is not making progress on the student's behavior goals, or if either the rate or severity of behaviors targeted in the BIP increase, the ARD Committee should convene and discuss whether modifications to the BIP are indicated.

## **Evidence of Implementation**

- Student Discipline Records
- Teacher Documentation of Behaviors
- Parent Information of Home Behaviors
- BIP
- ARD/IEP
- BIP Tracking Sheet
- FBA
- FIE

## ***ENGLISH LEARNER STUDENTS***

### **What is Required**

For a student identified as a student with a disability who is emergent bilingual, the ARD Committee must consider the language needs of the student as such needs relate to the student's IEP. An English learner ("EL") (or English language learner ("ELL") or emergent bilingual student) is a student who is in the process of acquiring English, and another language is their primary language. The ARD Committee, in conjunction with the language proficiency assessment committee ("LPAC"), must identify a student as an EL if the student is emergent bilingual or if the student has a significant cognitive disability



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such that the English language proficiency assessment cannot be administered. The ARD Committee should consider the extent of the student's language needs related to the student's IEP.

For students who are emergent bilingual and are eligible for special education, the ARD Committee and the LPAC must create assessment procedures to distinguish between language proficiency and disabling conditions. The decision for entry into a bilingual education or ESL program must be determined by the ARD Committee in conjunction with the LPAC.

The ARD Committee, in conjunction with the LPAC, must also comply with the State and Districtwide Assessment procedures, including selecting the appropriate assessments, documenting the decisions and justifications in the student's IEP, and determining and documenting any allowable testing accommodations. See *STATE AND DISTRICTWIDE ASSESSMENT*.

The ARD Committee must include a member of the LPAC if a student is identified as an EL. See *ARD COMMITTEE MEMBERSHIP*.

The District must follow the standardized process for EL program reclassification for EL students who are also eligible for special education services. The ARD Committee in conjunction with the LPAC must meet annually at the end of the year to review progress and determine if an EL student is eligible to be reclassified or exit an EL program and be classified as English proficient. A student is deemed English proficient if the student can participate equally in a general education, all-English instructional program.

When determining whether a student can be reclassified or exit an EL program, the following factors will be considered:

- A proficiency rating on the state-approved English language proficiency test for reclassification or exit that is designated for indicating English proficiency in each of the four language domains (listening, speaking, reading, and writing);
- Passing standard met on the reading assessment or for students at grade levels not assessed by the reading assessment, a score of the 40<sup>th</sup> percentile or above on both the English reading and the English language arts test of the state-approved norm-referenced standardized achievement instrument; and
- Results from a teacher evaluation using the state's standardized rubric.

A student may not be reclassified or exited from bilingual education or ESL program in prekindergarten or kindergarten. Additionally, a student may not be reclassified or exited from the bilingual education or ESL program if the LPAC recommends designated



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supports or accommodations on the state reading assessment instrument.

For an EL student with significant cognitive disabilities, the LPAC, in conjunction with the ARD Committee, may determine that the state's English language proficiency assessment for reclassification is not appropriate because of the nature of the EL student's disability. In these situations, the LPAC, in conjunction with the ARD Committee, may recommend an appropriate performance standard requirement for the EL student to be reclassified or exit a program.

## **Additional Procedures**

For students who are receiving special education services and identified as EL, the ARD Committee and the LPAC must work in collaboration. Joint meeting will occur between key members of both committees to review the following considerations:

- Entry and Reclassification/exit criteria for ESL or bilingual services
- Appropriate listening, speaking, reading and writing assessments;
- Appropriate student performance standards to verify that second language acquisition support in English is needed or not needed;
- Review progress; and
- Determine linguistic needs such as language instruction.

The meetings may be informal discussions among members. However, the final recommendations are brought to the ARD Committee with LPAC representation at the ARD Committee Meeting. The two committees, in meeting to collaborate in the best interest of the student, should consider information regarding cognitive and linguistic abilities, affective needs, data from progress monitoring, assessment data from both special education and ESL/bilingual programming, and confidentiality of student information regarding the presence of any person not employed by the District.

Prior to an ARD meeting regarding an EL student's assessments, a Campus Special Education Professional, such as the student's case manager, should gather necessary data for the committees to make a data-based decision regarding the assessments and educational programs the EL student will take.

The Campus Special Education Professional should start gathering necessary data several weeks before the end of the academic year for the committee to review to determine whether the EL student may be reclassified or exit an EL program.





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### **Evidence of Implementation**

- Referral for Special Education
- FIE
- ARD/ IEP
- EL Assessment
- LPAC Team Documents
- Training for LPAC Members
- ARD Attendance by LPAC Member
- Student's Academic Progress Consideration
- Documentation of Reclassification Consideration

## ***BLIND OR VISUALLY IMPAIRED STUDENTS***

### **What is Required**

In the development of the IEP for a VI student, proficiency in reading and writing is a significant indicator of the student's satisfactory educational progress. A student who is blind or visually impaired must be evaluated to determine the student's reading and writing skills, needs, and appropriate reading and writing media. The evaluation must be administered by a teacher certified to teach students with visual impairments and should be based on an appropriate literacy media and skills for the student's current and future instructional needs. See *VISUAL IMPAIRMENT*.

### **Braille**

When considering a VI student's needs, District Assessment Personnel must determine the student's current and potential need for instruction in braille or the use of braille. A VI student's IEP must include instruction in braille and the use of braille, unless the ARD Committee determines and documents that braille is not an appropriate literacy medium for the student. The ARD Committee's decision must be based on the evaluation of the student's appropriate literacy media and literacy skills and the student's current and future instructional needs. Each person developing the IEP must be given information on the benefits of braille instruction. If the ARD Committee determines that braille instruction is appropriate for a student, such instruction may be used in combination with other appropriate special education services, but the braille instruction must be provided by a teacher certified to teach children with visual impairments.

### **Expanded Core Curriculum**

Before placing a student with a visual impairment in a classroom setting, or within a reasonable time period after placement, the Campus Special Education Personnel must



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provide an evaluation of the impairment and instruction in an expanded core curriculum, which is required for the student to succeed in classroom settings and derive lasting, practical benefits from education. Instruction in an expanded core curriculum must include instruction in:

- Compensatory skills, such as braille and concept development, and other skills needed to access the rest of the curriculum;
- Orientation and mobility;
- Social interaction skills;
- Career planning;
- Assistive technology, including optical devices;
- Independent living skills;
- Recreation and leisure employment;
- Self-determination; and
- Sensory efficiency.

In developing an IEP for a VI student, the ARD Committee must include in the IEP:

- A detailed description of the arrangements made to provide the student with an evaluation of the impairment and instruction in the expanded core curriculum;
- Plans and arrangements made for contacts with and continuing services to the student beyond regular school hours to ensure the student learns the skills and receives the instruction in the expanded core curriculum; and
- a statement reflecting that the student has received an explanation of the various community and state resources.

### **Texas School for the Blind**

The Texas School for the Blind and Visually Impaired (the “School for the Blind”) is a state agency established to serve as a special school in the continuum of statewide alternative placements for students who are 21 years of age or younger and who have a visual impairment. The School for the Blind is intended to serve students who require specialized or intensive educational or related services related to the visual impairment. The School for the Blind is not intended to serve students whose needs are appropriately addressed in a home or hospital setting or in a residential treatment facility, or students whose primary, ongoing needs are related to a severe or profound emotional, behavioral or cognitive deficit.

The ARD Committee for a VI student may determine that the appropriate placement for the student is the Texas School for the Blind. If the ARD Committee places a VI student



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in the Texas School for the Blind, the District must ensure that it provides the student with FAPE and that all legally required ARD meetings are conducted to develop and review the student's IEP.

The District must provide each parent of a VI student with the state-adopted form that contains written information about programs offered by state institutions, including the Texas School for the Blind.

## **Additional Procedures**

VI Students have unique learning needs that must be addressed if they are going to access the regular core curriculum and become independent, productive citizens to the greatest extent possible. The District provides educational services for students ages 0-21 who meet eligibility criteria for VI. Eligible infants (ages 0-2 years) are served in their home by the District in conjunction with the local Early Childhood Intervention (ECI) Program. At age 3, eligible students are transitioned to the District to receive services through special education, as determined by the student's ARD Committee. See [AGES 0-5]. Each Campus Administrator should ensure that appropriately trained personnel for the blind or visually impaired attend the student's ARD meeting.

The ARD Committee will develop an IEP for the student based on the requirements described above, including the use of braille. Service delivery options may include indirect/consultation, direct services, community-based activities, or a combination of these options. IEP goals and objectives addressed by VI and Certified Orientation and Mobility Specialists ("COMS") Service Providers may be integrated with classroom teacher's goals and objectives. Services may include pre-braille instruction, braille instruction, visual efficiency training, instruction in the use of technology for the visually impaired, and the provision of large print or braille textbooks, assignments or tests. Modifications and accommodations necessary for the VI student to access the educational curriculum, appropriate goals and objectives, progress monitoring, and transition services will be addressed through consultation with the VI and/or COMS Service Providers and regular education staff.

Campus Special Education Personnel should document on the VI Supplement/Section of the IEP the following:

- Whether the student is functionally blind based on the functional vision evaluation and learning media assessment;
- Whether the ARD Committee has received information on the benefits of braille;
- The need for braille and the student's strengths and weaknesses in braille reading and writing;



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- Appropriate learning and literacy media information;
- Whether the student has been provided a detailed explanation of the various community and state resources;
- Whether the parent has been provided information about the Texas School for the Blind and Visually Impaired and other programs offered by Texas institutions;
- Plans and arrangement for contacts with and continuing services to student beyond the regular school hours;
- All areas of the expanded core curriculum instruction; and
- Appropriate special media and special tools, appliances, aids, or devices commonly used by VI student (i.e. braille textbooks, braille writer, braille paper, sensory learning kit, low vision devices, canes, etc.).

Instruction for VI students should reflect the assessed needs of each student in all areas of expanded core curriculum. Assessments in all of these areas that determine each student's strengths and weaknesses can be used to assist the ARD Committee to build a program that truly addresses life-long competencies. Not all areas will have equal urgency each year, but to make informed decisions on where to focus, it is essential to measure progress and functioning across all areas. The ARD Committee should prioritize needs in order to develop an appropriate and comprehensive educational program for students with visual impairments.

A student's need for vision services may vary over time. A student's needs may differ in intensity and focus during the student's school years. These fluctuations will be reflected in the IEP and should be fluid and flexible, based on immediate educational needs at any time during the student's educational process. Consideration for services may be especially necessary during periods of transition between schools or into community activities. Other considerations are when there are significant changes to the IEP and/or vocational considerations.

Campus-based members of the ARD Committee should stay apprised of the various resources in Texas that offer consultation and support to staff and/or family for special education students who are blind or visually impaired. Parents of VI students should be provided information about the Texas School for the Blind annually.

## **Evidence of Implementation**

- Referral for Special Education
- Notice of Procedural Safeguards



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- FIE
- ARD/IEP
- VI Supplement/Section of IEP
- Teacher/Provider Certification
- ARD Attendance Sheet
- Documentation of Training
- Texas School for the Blind Information and Parent Receipt

## ***DEAF OR HARD OF HEARING STUDENTS***

### **What is Required**

The ARD Committee must consider the unique communication needs for students who are eligible for special education as a result of being deaf or hard of hearing and ensure that each student's communication mode is respected, used, and developed to an appropriate level of proficiency.

When developing an IEP for a student eligible for special education due to being deaf or hard of hearing, the ARD Committee must consider the following:

- The student's language and communication needs;
- The student's opportunities for direct communications with peers and professional personnel in the student's language and communication mode;
- The student's academic level, considering factors such as the student's grades, benchmark testing, and state assessments; and
- The student's full range of needs, including opportunities for direct instruction in the student's language and communication mode.

The District must provide each parent with the state-adopted form that contains written information about programs offered by state institutions for deaf or hard-of-hearing students.

### **Additional Procedures**

The District provides educational services for students ages 0-21 who meet eligibility criteria for AI. Eligible infants (ages 0-2 years) are served in their home by the District in conjunction with the local Early Childhood Intervention (ECI) Program. At age 3, eligible students are transitioned to the District to receive services through special education, as determined by the student's ARD Committee. See *AGES 0-5*. A Campus Administrator should ensure that appropriately trained personnel for the deaf or hard of hearing attend the student's ARD Committee meeting. The ARD Committee shall consider all the



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student's needs, academic levels, and supports as described above.

Students with AI may receive special education services through a variety of service delivery models. Many students are appropriately served on their home campus with special education services. Other students may need additional instructional support from a teacher of the deaf or hard of hearing, an interpreter, and/or a communication facilitator. For students who need additional Deaf Ed services, the District participates in the Abilene Regional Day School Program for the Deaf (RDSPD). Students receiving direct services via RDSPD may receive services according to a continuum of services based on the unique needs of the student.

The continuum of services for AI students include some or all of the following:

- Monitor/consult only (indirect services)
- Itinerant/direct services from a certified Teacher of the Deaf
- Site-based direct services in the RDSPD
- In-class support
- External support
- Audiological services
- Interpreting service
- Communication facilitator services
- Audiological management
- Counseling

The instructional program for AI students is designed to meet the individual needs of the student and will include both oral and total communication philosophies.

Campus-based members of the ARD Committee should stay apprised of the various resources in Texas that offer consultation and support to staff and/or families for special education students who are deaf or hard of hearing. At the initial ARD and at each annual ARD, Campus Special Education Personnel will provide the parents of AI students information about the Texas School for the Deaf describing the program offered, eligibility and admissions, and the rights of students. When signing the ARD document, the IEP should reflect that the parent received this information.

## **Evidence of Implementation**

- Referral for Special Education
- Notice of Procedural Safeguards
- FIE
- ARD/IEP
- Communication Needs Documentation



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- Teacher Certification
- ARD Attendance Sheet
- Documentation of Training
- Parent Receipt of Texas School for the Deaf Information

## ***ASSISTIVE TECHNOLOGY***

### **What is Required**

The ARD Committee must determine if a student needs assistive technology devices (ATD) and/or services. The term assistive technology service means any service that directly assists the student with a disability in the selection, acquisition, or use of an ATD, and includes:

- The evaluation of the needs of the student, including a functional evaluation in the student's customary environment;
- Purchasing, leasing, or otherwise providing for the acquisition of ATD's by the student;
- Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing or replacing ATD's;
- Coordinating other resources, such as therapies, interventions, or services to be used with the ATDs, such as those in the student's IEP and rehabilitation plans;
- Training or technical assistance for the student or the family, if appropriate, to ensure the student and family understands how to properly use the ATD; and
- Training or technical assistance for all school staff who provide services to or who are substantially involved in the major functions of the student.

### **Additional Procedures**

Assistive Technology services or an ATD can be provided as a supplementary aide and service and utilized by the classroom teacher. Assistive Technology can also be a related service and implemented by an assistive technology specialist and/or part of a student's goals or objectives in the IEP. Campus staff working with students with disabilities will be informed of the assistive technology services and devices available and who to contact when campus staff have questions about the availability of services and devices and the operations and functions of various ATD's.

The ARD Committee will consider AT needs for every special education student, regardless of the student's eligibility, at least annually, but need not conduct a formal AT evaluation for every student with a disability. It is during this consideration that the ARD





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Committee is to determine if an AT evaluation is warranted and plan for any necessary AT evaluation. In some cases, members of the ARD Committee will be knowledgeable about the student's functional needs and the range of appropriate AT devices/services to meet those needs. In those cases, the ARD Committee may decide what AT devices/services should be provided for the student without the necessity of a formal AT evaluation. This is particularly true with readily available, low tech AT devices/services. In other situations, the ARD Committee may not have sufficient in-depth knowledge of the student's functional needs, or the members of the ARD Committee may not have the expertise or technical knowledge about what AT devices/services are available to meet the student's needs. In those cases, a formal AT evaluation should be requested by the ARD Committee. In addition, if a student can use an AT device successfully outside of school but struggles to use the same device in the classroom, that may also trigger the need for an AT evaluation. The ARD Committee may seek information from other sources such as an outside expert, a vendor of a device, or other Campus Personnel. If either a parent or Campus Personnel refers a student for an AT evaluation, the ARD Committee will determine whether the evaluation is needed and, if so, the scope of the evaluation.

Should the ARD Committee seek a formal AT evaluation, all IDEA requirements regarding evaluations, such as notice and parent consent, apply. See *REVIEW OF EXISTING EVALUATION DATA and EVALUATION PROCEDURES*. If an ARD Committee determines that an AT evaluation is warranted prior to selecting an ATD, Campus Special Education Personnel responsible for setting up the ARD Committee will invite an AT representative to an ARD meeting to discuss the AT evaluation results and the functions of the recommended device for the student. Alternatively, the Special Education Assessment Personnel should consult with the AT representative to obtain relevant information to share with the ARD Committee members.

Although there are no specific guidelines about what must be included as part of an AT evaluation for it to be sufficient, the District Special Education Personnel and District Assessment Personnel should consider both statutory and regulatory requirements regarding evaluations in general. The AT evaluation should be conducted by a qualified professional and consist of a detailed review and analysis of the student's needs and abilities and should be based on current information and data derived from a review of the student's educational records, observations, and discussions with classroom teachers, other services providers, and the parent. The AT evaluation should assess the student's needs across a variety of domains such as communication, written language, academic content areas, fine and gross motor skills, and daily living skills. The evaluation of a particular domain may be informal. For example, if the concern expressed by the ARD Committee relates to the student's handwriting, the evaluation of communication and daily living skills may be informal, based on input from teachers and parents, and simply note that functioning in those areas is adequate for the age and grade level of the student. In other domains, formal evaluation procedures may be appropriate using





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protocols, skills inventories, and various frameworks to assess the student's functional needs and develop recommendations regarding AT devices/services.

The District may consider providing the parent with a questionnaire regarding technology to be discussed at the ARD meeting. Seeking this input will provide information to the ARD Committee regarding the extent of the student's AT needs and/or the effectiveness of the student's current ATD.

When considering a device for a student, the ARD Committee does not have to choose the most sophisticated device, but rather one that will enable the student to access the general education curriculum. The ARD Committee must consider the extent of the student's needs for the ATD. For example, the student may need to take the ATD home to appropriately complete homework. If a student is permitted to take an ATD home, the District may require the parent to complete any District-required forms or paperwork regarding the parent/student's responsibility for care of the ATD.

All campus staff members who work with students should be aware of the ATD addressed in the student's IEP and must allow the student to use the device in the manner described in the student's IEP. Campus staff working directly with the student must promptly notify Campus Administrative Personnel, Campus Special Education Personnel, if appropriate and necessary, District Special Education Personnel, or the AT representative if the student's ATD malfunctions so that it can be repaired and/or replaced. The District is required to provide and maintain any ATD that the student's ARD Committee has determined is necessary for implementing the student's IEP. If the ATD is not functioning or does not function correctly, the District is responsible for providing a substitute device, or for convening an ARD Committee meeting to review and, if appropriate, revise the student's IEP.

Campus Special Education Personnel, with support from the Special Education AT Specialist (as needed), is responsible for consistently implementing strategies, providing training, and collecting data regarding AT use or effectiveness.

### **Evidence of Implementation**

- Referral for Special Education
- Notice of Procedural Safeguards
- FIE
- ARD/IEP
- AT Evaluation
- AT Checklist
- ATD Check-out
- ATD Progress Documentation



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- ATD Student Training Documentation
- ATD Provider Training Documentation

## ***STUDENTS WITH AUTISM***

### **What is Required**

In the case of a student with autism, the ARD Committee must consider the following eleven (11) strategies based on peer-reviewed, research-based educational programming practices to the extent practicable, and when needed, in the student's IEP:

- Extended educational programming (e.g. extending the day and/or school year to ensure the student makes appropriate progress in areas of need, such as behavior, social skills, and academics);
- Daily schedules reflecting minimal unstructured time and including active engagement in learning activities. These schedules should consider, for example, meal periods, recess, and adapting to changes such as a substitute teacher, classroom location change, or a school event that deviates from the normal day (e.g. pep rally or student-wide meeting). The goal is to provide consistency for the student and contingency plans when the student's normal daily routine changes;
- In-home and community-based training or viable alternatives that assist the student 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 community to home);
- Positive behavior support strategies based on relevant information (e.g. antecedent manipulation, replacement behaviors, reinforcement strategies, and data-based decisions; and a BIP developed from an FBA that uses current data related to target behaviors and addresses behavioral programming across home, school, and community-based settings);
- Transition planning, to begin at any age the ARD Committee determines is appropriate, in considering future planning for the student's integrated living, work, community, and educational environments that consider the skills needed for the student's current and postsecondary environments. See *TRANSITION SERVICES*;



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- Parent/family training and support by qualified personnel with experience in autism spectrum disorders. The goal of this training is to provide families with supports for the student to succeed beyond school—in home and in the community. The ARD Committee must also provide the parent information for community resources for the student (e.g. parent support groups, videos, and conferences related to parenting a student with autism). The parent/family training should also facilitate parental carryover of in-home training (e.g. behavior management strategies and developing structured home environments);
- Suitable staff-to-student ratio appropriate to identified activities and as needed to achieve social/behavioral progress based on the student’s developmental and learning level that encourages work towards individual independence as determined by, for example, adaptive behavior evaluation results, behavioral accommodation needs across settings, and transitions within the school day;
- Interventions to improve the student’s communication skills across settings;
- Social skills, supports and strategies based on social skills assessment and curriculum and applied across settings (for example: circle of friends, video modeling, social stories, and role playing);
- Professional development for teachers and staff related to educating students who have an Autism Spectrum Disorder; including training on the correct implementation of techniques and strategies described in the student’s IEP; and
- Teaching strategies based on peer-reviewed, research-based practices for students with an Autism Spectrum Disorder (for example those associated with discrete-trial training, visual supports, applied behavioral analysis, structured learning, augmentative communication, or social skills training).

If the ARD Committee determines that the student does not need any of the supports listed above, it must state its decision and the basis of the decision in the student’s IEP.

### **Additional Procedures**

The ARD Committee for an AU student will clearly show that each of the 11 strategies noted above were meaningfully discussed, even if the ARD Committee determines that the student does not need some of the listed services. Campus Special Education Personnel should consider the following practices when considering the 11 strategies:

- Ensure that staff involved in the provision of ESY services are provided with a copy of the student’s IEP. Communication between the student’s teacher during the



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regular school year and ESY staff is imperative to ensure that ESY staff receive updated information about the student and the goals/tasks to work on during ESY. Consider community options for ESY services, if appropriate.

- Within the student's daily schedule, include, for example, meals, restroom breaks, leisure breaks, course instruction, daily wrap-ups, and pack-up and dismissal. Attach a daily schedule to the ARD document, describe any difficulties with transitions between classes or activities, and address behavioral problems that may occur when a change occurs in routine or location. Minimal unstructured time means that IEP goals/objectives are being addressed throughout the day and across settings.
- Consider important life skills for in-home training such as training for the student to independently use the restroom or dress him or herself. Consider a data chart to track how often the student is completing the desired tasks. To help a student acquire critical skills across settings or generalize critical skills from one setting to another, the ARD Committee should discuss any skills the student exhibits in one setting but has not acquired in another setting. In-home training is a related service that requires an evaluation before implementation. When an in-home training evaluation is requested, Assessment Personnel will obtain consent from the parent and follow the evaluation procedures. See CONSENT FOR INITIAL EVALUATION and EVALUATION PROCEDURES.
- Consider including prevention interventions, teacher interventions, and reinforcement interventions in the student's BIP if needed. See *Students with Behavior Needs* above.
- Begin consideration of transition support in elementary school to ensure the student is successful in his or her post-secondary transition.
- Gather parent input to determine the appropriate parent/family training and support needed for the student. Such input could be in the form of a parent questionnaire for the parent to express the student's talents, challenges, and specific information the parent needs to assist the student. The goal of parent training is to provide parents with the necessary skills and techniques to assist their student with the on-going development and maintenance of skills and behaviors.
- Create a chart that includes activities related to the student's IEP objectives and goals and the level of staff-to-student ratio for each of the student's developmental and functioning levels. When determining staff-to-student ratios, an ARD Committee should consider the setting, a student's communication abilities, and present level of competence in each area of instruction. Typically, a student in the



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acquisition phase of development may need more direct intensive instruction relative to later phases. As a student moves through the phases, there should be less adult supervision, more self-monitoring, and therefore, a higher staff to student ratio.

- Create a communication functions chart, including strategies such as a schedule card and visual supports. The ARD Committee should consider the student's communication across settings, and this review should not be limited to SLP services. Communication forms include physical, objects, sign language, pictures, line drawings, speech/verbal, independent writing, typing, or pointing to printed words.
- Social skills are a set of behaviors used to interact and communicate with others. The ARD Committee should consider various social skills including impulse control, willingness to do non-preferred activities, personal responsibility, concept of friendship, response to suggestions or requests, self-regulation, self-monitoring, reading/interpreting/responding to social cues, appropriate communication, environmental regulations skills, self-advocacy skills, play skills, and manners and listening. The ARD Committee may consider social skills strategies including trained peer facilitators, video modeling, social stories, role playing, incidental teaching, pivotal teaching strategies, social narratives, cartooning, or direct instruction.
- Document the training staff receives as it relates to educating or providing related services to students who have AU and ensure staff are trained at least annually.
- Teaching strategies based on peer-reviewed and/or research-based practices for students with AU may include ABA including errorless learning, prompting and prompt fading, shaping, task analysis, consistent classroom routines and expectations, choice-making, multiple opportunities to learn and practice skills in structured and naturalistic settings, manipulations of antecedents and consequences to increase desired behaviors and decrease challenging behaviors, discrete trial training, and/or structured learning. Special Education Personnel should create a strategy tracking chart to document student's progress in the various teaching strategies used to share with the ARD Committee.

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

## **Evidence of Implementation**



## Special Factors

- Referral for Special Education
- FIE
- ARD/IEP
- AU Supplement/Section of IEP
- Staff Training
- Strategy Tracking Chart
- ESY Documentation
- Daily Schedules
- In-Home/Community-Training Documentation
- BIP/Behavior Interventions Tracking
- Futures Planning Documentation
- Parent Training Documentation
- Staff to Student Ratios
- Social Skills Documentation
- Documentation for the state in TSDS, PEIMS, and SPP

## DEFINITIONS

“Assistive Technology Device” is any item, piece of equipment, or product, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a student with a disability. The term excludes surgically implanted medical devices.

“Autism” refers to the developmental disability that significantly affects verbal and nonverbal communication and social interaction, generally evident before age three, and adversely affects a student’s educational performance. *See AUTISM.*

“Autism Spectrum Disorder” (“ASD”) refers to a complex developmental condition that involves persistent challenges in social interaction, speech and nonverbal communication, and restricted/repetitive behaviors. The effects of ASD and the severity of symptoms are different in each person. *See AUTISM.*

“Behavioral Intervention Plan” (“BIP”) is a written plan developed as part of the IEP to address behavioral concerns affecting the student’s educational progress. It is based on a functional behavior assessment of the problem behaviors, identifies events that predict these behaviors, includes positive interventions to change behaviors, and includes methods of evaluation.

“Deaf or Hard of Hearing” means a hearing impairment that is so severe that the student is impaired in processing linguistic information through hearing, with or without



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amplification, whether permanent or fluctuating, and that adversely affects a student's educational performance. Deaf usually refers to an individual with very little or no functional hearing and who often uses sign language to communicate. Hard of Hearing refers to an individual who has a mild-to-moderate hearing loss who may communicate through sign language, spoken language or both. See *DEAF OR HARD OF HEARING*.

“English Learner” refers to a student whose native language is a language other than English or who comes from an environment where a language other than English is dominant and who has difficulty speaking, reading, writing, or understanding the English language.

“Extended School Year Services” (“ESY”) means an individualized educational program provided beyond the regular school year for eligible students with disabilities. The need for ESY services must be determined on an individual basis by the student's ARD Committee from formal and/or informal evaluations provided by the District or the parents. A student is eligible for ESY services when the student has exhibited or reasonably may be expected to exhibit severe or substantial regression in one or more critical skill areas that cannot be recouped within a reasonable period of time. See *EXTENDED SCHOOL YEAR SERVICES*.

“Functional Behavior Assessment” (“FBA”) refers to a systematic process for describing problem behavior and identifying the environmental factors and surrounding events associated with problem behavior. The team that works closely with a student exhibiting problem behavior observes and identifies its problematic characteristics, identifies which actions or events precede and follow the behavior, and determines how often the behavior occurs.

“Significant Cognitive Disability” means an impairment in which a student who exhibits significant intellectual and adaptive behavior deficits in the ability to plan, comprehend, and reason, also indicates adaptive behavior deficits that limit the student's ability to apply social and practical skills such as personal care, social problem-solving skills, dressing, eating, using money, and/or other functional skills across life domains; and is NOT identified based on English learner designation or solely on the basis of previous low academic achievement or the need for accommodations; and requires extensive, direct, individualized instruction, as well as a need for substantial supports that are neither temporary nor specific to a particular content area.

“Visual Impairment including Blindness” means an impairment in vision that, even with correction, adversely affects a student's educational performance. The term includes both partial sight and blindness. A licensed ophthalmologist or optometrist determines the student has a progressive medical condition that will result in no vision or a serious visual loss after correction. See *VISUAL IMPAIRMENT*.





## RESOURCES

[The Legal Framework for the Child-Centered Special Education Process: Special Factors - Region 18](#)

### ***Behavior***

[Texas Behavior Support - Region 4](#)

[Positive Behavioral Interventions & Supports \(PBIS\) - Center on Positive Behavioral Interventions & Supports \(OSEP Technical Assistance Center\)](#)

[OSEP Letter to Anonymous \(Mar. 17, 2008\) - U.S. Department of Education](#)

[OSEP Letter to Trader \(Oct. 19, 2006\) - U.S. Department of Education](#)

[OSERS Questions and Answers on Discipline Procedures \(Revised June 2009\) - U.S. Department of Education](#)

[OSERS Letter to Anonymous \(Dec. 16, 2010\) - U.S. Department of Education](#)

[OSERS Dear Colleague Letter \(Aug. 1, 2016\) - U.S. Department of Education](#)

### **BIP - SPEDEX**

### ***English Learner Students***

[Guidance Related to ARD Committee and LPAC Collaboration - Texas Education Agency](#)

[Process for Considering Special Exit Criteria from Bilingual/English as a Second Language \(ESL\) Services - Texas Education Agency](#)

[OSEP Letter to Ralabate \(Oct. 9, 2002\) - U.S. Department of Education](#)

[Tools and Resources for Addressing English Learners with Disabilities - U.S. Department of Education](#)

### ***Blind and Visually Impaired***

[Sensory Impairments - Texas Education Agency](#)





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[Texas School for the Blind and Visually Impaired](#)

[Programs and Administrative - Information and Resources - Texas School for the Blind and Visually Impaired](#)

[American Printing House for the Blind](#)

[OSERS Dear Colleague Letter \(June 19, 2013\) - U.S. Department of Education](#)

[Visually Impaired - SPEDEX](#)

*Deaf or Hard of Hearing*

[Sensory Impairments - Texas Education Agency](#)

[Statewide Outreach Center - Texas School for the Deaf](#)

[Texas School for the Deaf](#)

[Deaf Students Education Services - U.S. Department of Education](#)

[Deaf/Hard of Hearing - SPEDEX](#)

*Assistive Technology*

[Assistive Technology - Texas Education Agency](#)

[Texas Assistive Technology Network - Region 4](#)

*Autism*

[Texas Statewide Leadership for Autism Training - Region 13](#)

[Autism Spectrum Disorder - SPEDEX](#)

[Children with Autism - SPEDEX](#)

## **CITATIONS**

Board Policy EHBAB (Students with Behavior Needs; Blind or Visually Impaired; and Autism); Board Policy EHBE (Limited English Proficiency); Board Policy EHBH (Deaf or Hard of Hearing); 34 CFR 300.324(a)(2)(i) (Behavior); 34 CFR 300.24, 300.324(a)(2)(i)–



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(ii) (English Learners); 34 CFR 300.324(a)(2)(iii), 300.34(c)(7) (Blind or Visually Impaired); 34 CFR 300.324(a)(2)(iii)–(iv) (Communication; Deaf or Hard of Hearing); 34 CFR 300.324(a)(2)(v), 300.5, 300.6 (Assistive Technology); 34 CFR 300.320; 300.324(a)(4) (Autism); Texas Education Code 29.005(g) (Behavior); Texas Education Code 30.002, Texas Education Code 30.004, Texas Education Code 30.021 (Blind or Visually Impaired); Texas Education Code 29.303, Texas Education Code 30.004 (Deaf or Hard of Hearing); 19 TAC 89.1053(i), 89.1055(g) (Behavior); 19 TAC 89.1050(c)(1)(J), 89.1203(7), 89.1226, 89.1230, 101.1005(a),(e) (English Learners); 19 TAC 89.1055(d) (Blind or Visually Impaired); 19 TAC 89.1055 (Autism)