

# IEP REFLECTIVE FRAMEWORK

## SPECIAL FACTORS

A UTAH STATE BOARD OF EDUCATION TECHNICAL ASSISTANCE GUIDE



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## SPECIAL FACTORS

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The Reflective Framework for Individualized Education Program, depicted in the image above, has the central purpose of providing equitable access to grade-level content for students with disabilities. This purpose is supported by six surrounding components:

1. Present Levels of Academic Achievement and Functional Performance
2. Special Factors
3. Individualized Education Program Goals
4. Specially Designed Instruction and Service Time
5. Accommodations and Modifications
6. Transition

The purpose of this document is to review the requirements for special factors, as well as to give specific examples of how to implement these requirements.

## REQUIREMENTS

Requirements for special factors are outlined in [the Utah State Board of Education's Special Education Rules](#). According to section III.I.1.b the IEP must include:

b. The individualized education program (IEP) team, in conducting a meeting to develop, review and, if appropriate, revise a student's IEP, must consider the following special factors:

- (1) In the case of a student with limited English proficiency (LEP), consider the language needs of the student as those needs relate to the student's IEP;
- (2) In the case of a student who is blind or visually impaired, provide for instruction in braille and the use of braille unless the IEP Team determines, after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the student's future needs for instruction in braille or the

use of braille), that instruction in braille or the use of braille is not appropriate for the student;

(a) Prior to determining whether a blind student should use braille as the primary reading mode, the student's IEP Team must be provided (through pertinent literature or discussions with competent braille users and educators, or both) with detailed information about the use and efficiency of braille as a reading medium, in order to make an informed choice as to the student's primary reading.

(3) Consider the communication needs of the student and, in the case of a student who is deaf or hard of hearing, consider the student's language and communication needs, opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode;

(4) Consider whether the student needs assistive technology devices and services in school and on a case-by-case basis, in a student's home or other setting; and

(5) In the case of a student whose behavior impedes the student's learning or that of others, consider the use of positive behavior interventions and supports, and other strategies, to address that behavior.

(a) When making decisions on behavior interventions, the IEP Team must refer to the USBE Technical Assistance (TA) manual that outlines the Least Restrictive Behavior Interventions (LRBI) for information on research-based intervention procedures.

(i) Emergency safety interventions may only be included in an IEP as a planned intervention when the IEP Team agrees that less restrictive means which meet circumstances in R277-609 have been attempted, an FBA has been conducted, and a BIP based on data analysis has been developed and implemented (R277609).

(b) The purpose of the LRBI related to the use of positive behavior supports and behavior interventions in schools is to:

- (i) Protect the safety and well-being of all students;
- (ii) Provide protection for students, teachers, other school personnel, and LEAs; and
- (ii) Ensure that parent(s) or adult students are involved in the consideration and selection of behavior interventions to be used.

(c) When an emergency situation occurs that requires the immediate use of an emergency safety intervention to protect the student or others from harm, the staff shall comply with requirements in R277-609 with regards to time limitations and parental or adult student notification.

(d) As appropriate, the student should receive an FBA and behavior intervention services and modifications that are designed to address the behavior (34 CFR § 300.530(d)(1)(ii)).

c. If, in considering the special factors described above, the IEP Team determines that a student needs a particular device or services for educational purposes (including an intervention, accommodation, or other program modification) in order for the student to receive a FAPE, the IEP Team must include a statement to that effect in the student's IEP.<sup>1</sup>

## IMPORTANCE OF SPECIAL FACTORS

The IEP team must annually consider the student's individual needs for five special factors: English language proficiency, braille and the use of braille, behavior, communication, and assistive technology. While the special factors portion of the

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<sup>1</sup> Dickson, S. and Voorhies, L. (August 2020). Section III.I.1.B. In *Special Education Rules*. Utah State Board of Education. Retrieved from: <https://www.schools.utah.gov/file/0b19d648-9986-4629-8dd6-ba695707921c>

IEP is brief and limited to a checkbox for each special factor, it is still critical for the team to prepare for this portion of the IEP. Depending on the special factor(s) that may apply to the student, the team may need to refer to assessment data, observation data, or other information to inform the discussion. In addition, the team should prepare for a reflective and complete discussion about how the relevant special factor(s) has been considered and addressed, if needed, in the IEP. It is recommended for teams to include notes about this discussion in their meeting minutes.

Each of these special factors, if not considered and addressed when needed in the IEP, has the potential to limit the student's progress in their IEP goals overall and may also limit the student's access to a free and appropriate public education (FAPE) in their least restrictive environment (LRE).

## CONSIDERATIONS

### ENGLISH LANGUAGE PROFICIENCY

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In considering the student's English language needs, the IEP team will first determine how proficient the student is in the English language. This is done by testing the student (e.g., WIDA). Review the student's English language testing and consider the language spoken in the home. After that, determine if the student needs language support to access the school curriculum. If the team decides supports are needed, it must be addressed in the IEP in the present levels of academic achievement and functional performance (PLAAFP), goals, and/or services section. Special education teachers do not provide English language services.

### BRAILLE

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When considering the use of braille for a student who is visually impaired, think about how braille is going to be addressed in the IEP. If the student uses braille in the classroom, how will braille help that student progress in the curriculum? Ensure the braille instructor and the classroom teacher have good communication. When

the braille instructor knows what is going to be taught, the materials needed for the student can be available so the student can be more successful in the classroom. If your Local Education Agency (LEA) does not have the resources to conduct vision assessments or has a low percentage of visually impaired students, reach out to the Utah Schools for the Deaf and Blind (USDB) for support with evaluations and instruction.

## BEHAVIOR

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To evaluate behavior as a special factor, consider the impact of the student's behavior needs on their learning and ability to participate in their LRE. Behavior is multifaceted and may relate to needs in various areas, including social and emotional skills, communication, physical and mental health, and academic learning. Keep in mind that a student with a communication-related disability may have learned to express their wants/needs through behavior. If this is the case, the team should determine whether communication needs relating to behavior have been addressed in the IEP.

## COMMUNICATION

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For students being considered for the categories of Deafblind, Developmental Delay, or Hard of Hearing/Deafness, their language growth and development (signed, spoken, or written) must be evaluated by qualified personnel. If the student's ability to communicate affects their learning, determine what supports can be put into place that will help the student be more successful in the classroom.

Functional communication is important to consider for all students, especially those with an intellectual disability, emotional disturbance, autism, and/or other behavioral concerns. Teams are advised not to overlook communication needs for students who can communicate verbally; if the student's ability to communicate significantly decreases when they are stressed, communication needs should be considered part of this process. Teams should also consider whether the student's communication is functional across a wide variety of communication partners

(including unfamiliar ones) or limited to familiar adults who may be able to intuit/infer what the student needs.

## ASSISTIVE TECHNOLOGY

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When considering whether a student needs assistive technology (AT) devices and services in school, at home, or in other settings, the team should determine whether AT is necessary for a student's provision of FAPE. The IEP team may need to evaluate the student's specific needs. An AT evaluation should provide sufficient information to permit the IEP team to determine whether the student requires technology devices or services to receive FAPE. AT devices and services must be included to the extent necessary for the student to make appropriate progress when considering the child's circumstances. The IEP team should consider using the [USBE AT Flow Chart and Considerations Document](#) to help determine if AT is a necessary special factor for the student. IEP teams should work with their LEA's [AT Team](#) if a referral for evaluation is needed for a student. AT devices and services can include low tech solutions such as providing the student a pencil grip or calculator.

Determination of AT devices/services must be driven by identified concerns and areas of need, and should be considered at each initial placement, annual review, and three-year reevaluation.

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## IEP CASE STUDIES

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Teams must consider each special factor and ensure that it has been addressed when needed in the IEP. To accomplish this, the team may use the questions provided in the Reflective Framework for IEP Development. Case study examples have been provided below. Please note that these examples are intended to illustrate possible discussion topics across a variety of situations. It is not the responsibility of the IEP team to answer each question; discussions should be individualized based on the student's strengths and needs.

## ENGLISH LANGUAGE PROFICIENCY: 1ST GRADE STUDENT

Levi is a 1st-grade student whose first home language is Spanish. English is also spoken in the home, and both languages are spoken equally. Levi's parents are proficient in both Spanish and English. Since Levi's home language is listed as Spanish, Levi took the WIDA assessment in kindergarten.

### QUESTIONS TO CONSIDER

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In considering English language proficiency as a special factor in his IEP, Levi's team discussed the following:

1. How has the spoken language in the home been addressed, and how have barriers been removed?
  - a. Currently, Levi's teachers use visuals (e.g., pictures) paired with words around the entire classroom. They repeated instructions to ensure all students understood what was being asked of them. Levi's teachers checked in with him consistently and were not waiting for him to ask for help.
2. Was a language screener administered and how were the results used to address interventions?
  - a. A language screener was administered, and the results from the screener determined what types of interventions needed to be addressed. It was also determined the screener would continue to be used for progress monitoring.
3. How has the team used the data from the WIDA assessment to determine if language is a factor?
  - a. Yes, the team referred to the guidance document.
4. What input has been provided by the multi-language learner (MLL) specialist regarding language acquisition and the impact on the student's learning?



- a. The specialist has worked with Levi's teachers and has helped them create an environment that was supportive for Levi in school as well as for his family. They included Levi's parents in his education.
5. What language support is the student receiving to ensure access to learning across the school setting?
  - a. Levi received supplemental interventions to help support oral language development through his classroom lessons. Activities were scaffolded, and they gave Levi time to process directions. His teachers paired him with peers who were more proficient in language and allowed him to use technology to help in language development.

## BRAILLE: 4TH GRADE STUDENT

Allie is a 4th-grade student with a degenerative eye condition. By the time Allie graduates from high school, she may be completely blind. Her school team has reviewed all evaluations given to Allie by qualified personnel.

### QUESTIONS TO CONSIDER

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In considering braille as a special factor in her IEP, Allie's team discussed the following:

1. How is the team considering the student's proficiency in braille, and how will braille be addressed in the IEP?
  - a. Allie's eyesight will worsen as time goes on. Even though she may not need to read braille at this time, she will need it in the future. Braille instruction should begin so Allie is proficient when the time comes for her to use it.
2. How can braille be used in the classroom to help the student progress in the curriculum, and how can the braille instructor support the classroom teachers?
  - a. Braille was used in the classroom in conjunction with printed materials. The braille instructor and classroom teachers met weekly to discuss what materials Allie needs.

3. How can the Utah Schools for the Deaf and Blind (USDB) support evaluations and instruction?
  - a. USDB provided materials in braille for Allie to use in conjunction with her printed materials. Since the school does not have qualified personnel to do the evaluations and provide instruction, USDB provided both.

## BEHAVIOR: 2ND GRADE STUDENT

Cameron is a 2nd grade student qualifying for special education under other health impairment (OHI). She has a medical diagnosis of Attention Deficit Hyperactivity Disorder (ADHD) (combined type). Cameron's school team has collected observation data indicating that she has difficulty transitioning from preferred activities, especially recess. Her behaviors during these transitions are disruptive to the whole class, and it may take up to an hour for her to calm down from her escalated state.

## QUESTIONS TO CONSIDER

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In considering behavior as a special factor in her IEP, Cameron's team discussed the following:

1. How are Cameron's social and emotional needs being met?
  - a. Cameron's teacher shared that he provided social and emotional learning instruction, and raised a concern that recess might be a little chaotic and overwhelming to Cameron. He suggested creating a sign for the playground listing the expectations for students at recess.
  - b. Based on this discussion, Cameron's team decided to include two accommodations in the IEP: pre-teaching expectations at the start of activities and giving time reminders 1-2 minutes before the end.
2. How has the team considered Cameron's behavior and the impact on learning and participation with peers without disabilities?
  - a. The team discussed that Cameron currently misses 30-60 minutes of instructional time after a behavior incident. Her social learning and

relationships may also be negatively affected since these behaviors occur when she is with her peers. Cameron's teacher's time addressing her behavior takes her away from the rest of the class. Cameron's team decided to include an IEP goal about practicing positive coping strategies at key times of the day (e.g., recess) and when she is upset, and agreed to discuss service time for the special education teacher to provide specially designed instruction for that goal.

3. Has the team included measurable and observable behavior data in the IEP? Has the team considered goals and/or accommodations to address communication needs related to behavior, and/or teach an appropriate replacement behavior?
  - a. Cameron's team included frequency data about her behaviors in the PLAAFP and used that to create a goal for teaching Cameron to communicate her needs appropriately when she is upset.
4. Should the team consider a Functional Behavior Assessment (FBA) and/or a Behavior Intervention Plan (BIP) for Cameron, either because 1) we have documented previous behavior interventions that have not resulted in improvement in the behavior as measured by our data, or because 2) her behavior presents a safety risk to herself or others?
  - a. Cameron's team discussed whether or not an FBA and a BIP were the best options at this time. They agreed that they would first support her behavior needs using goals and accommodations to be developed in the IEP meeting and continue collecting frequency data on her behavior like they did to write her PLAAFP. They agreed to review her behavior data each month and evaluate whether she was making sufficient progress; if not, they would move forward with requesting consent to complete an FBA and develop a BIP based on that assessment.

## COMMUNICATION: 12TH GRADE STUDENT

Miguel is a 12th grade student who has autism and a significant cognitive impairment. He uses single words and short scripted phrases to communicate and

has several echolalic phrases that have a particular meaning for him (e.g., saying “snowy day” signifies that he is upset). He may also communicate by physically guiding an adult to what he wants or needs. Miguel has not yet been taught to use picture symbols or other assistive technology to communicate. He enjoys greeting others with scripted phrases that relate to facts he knows about them but does have limited social engagement outside of that. Miguel strongly prefers when his day does not deviate from his expected routine and may become upset when unexpected things happen. He also has sensory sensitivities which can cause distress and may lead to behavioral outbursts.

## QUESTIONS TO CONSIDER

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In considering communication as a special factor in his IEP, Miguel’s team discussed the following:

1. How does Miguel’s ability to communicate affect his learning (e.g., academic, social and emotional, behavioral)?
  - a. The team discussed supporting Miguel’s communication to increase his learning and participation throughout the school day. Currently, Miguel has difficulty expressing his feelings using words or other communication aids. Miguel’s teacher observed that frustration about schedule changes seemed to be a consistent predictor of his outbursts. Based on this, the IEP team determined that it would be important to include a goal for Miguel to learn to express his feelings and ask for help using words or picture symbols.
2. How does Miguel’s ability to comprehend spoken language affect his ability to learn, participate, and demonstrate knowledge?
  - a. Miguel can complete one-step verbal directions and follow the posted classroom schedule (which includes both text and picture symbols). The IEP team discussed whether multi-step directions would be easier for Miguel to follow if a picture schedule was utilized for routine tasks. They decided to include an accommodation for Miguel to receive step-by-step text/picture instructions for academic tasks.
3. Where has Miguel found success in speaking/writing?

- a. Miguel is most able to communicate with language when he is relaxed and engaged. It is more difficult for him to communicate when he is stressed. Based on this consideration, Miguel's team decided to provide Miguel with a menu of calming activities that he already enjoys and can use at any time. They decided to revise Miguel's IEP goal (expressing feelings and asking for help) so that he can use the menu both to ask for help and to select a calming activity.
4. What accommodations have been considered to support access to grade-level instruction and peer groups?
  - a. Miguel's team agreed to discuss assigning him a peer tutor, with strategic scheduling to ensure the peer tutor's safety in the event of a behavioral outburst. They discussed the possibility of pairing the peer tutor with Miguel during times that he is also supported in the general education setting with a paraeducator, so that the peer tutor can still support Miguel socially and academically without concerns about managing his behavior.
5. What additional communication (expressive and receptive) supports are needed or have been considered, and who will provide them (when, where, and how)?
  - a. Miguel's team drafted language goals in joint attention and the use of picture symbols to communicate, and included push-in service time from the speech-language pathologist to provide specially designed instruction related to this goal. Miguel's special education teacher also discussed coordinating additional professional learning for her paraeducators to improve their skills in modeling and prompting communication in using both verbal language and picture symbols.

## ASSISTIVE TECHNOLOGY (AT): 7TH GRADE STUDENT

Maria is a 7th grade student with a specific learning disability in reading and written language. She has difficulty with the level and volume of reading and writing required in her junior high classes. The IEP team must determine if Maria needs AT to benefit from her education.

## QUESTIONS TO CONSIDER

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In considering AT as a special factor in her IEP, Maria’s team discussed the following:

1. How has the team addressed the student’s need for assistive technology; has the student had an assistive technology evaluation?
  - a. After developing Maria’s IEP goals, the team used the AT Considerations document to determine whether Maria needs assistive technology tools (devices and services) to accomplish the task needed to “increase, maintain, or improve the functional capabilities of a student with a disability” across environments.
2. What options for assistive technology has the team presented to parents? Has the team considered the accessibility, feasibility, usefulness, and generalization of assistive technology recommendations?
  - a. Yes, the team used the AT Considerations document to determine that Maria needs AT for her disability in reading and written expression. The team determined that Maria needed electronic books for English and Social Studies as well as text-to-speech on her laptop for other subjects where the reading level is above her independent reading level.
  - b. The team also determined that Maria needs word prediction, spell check and speech to text for writing assignments in English, Social Studies and Science.
  - c. Based on this discussion, the team decided that Maria would also need this technology at home to complete homework assignments. The LEA’s AT team agreed to provide Maria with a laptop to take home and train Maria and her parents in how to use the technology.
3. Have we considered all types (both low-tech and high-tech) of assistive technology devices, including any piece of equipment used to increase, maintain, or improve functional capabilities of a student with disabilities?
  - a. Yes, the IEP team considered a variety of low-tech AT options (e.g., the use of picture symbols and graphic organizers) and determined that a graphic organizer would be a useful tool for notetaking in certain

classes. In addition, considering the level and volume of writing and reading necessary in junior high, the team discussed the technology available on the laptop and determined that it would meet Maria's needs and provide her with access to a FAPE.