



What's the Big IDEA? # 11

The Individuals with Disabilities Education Act (IDEA) is a law ensuring services to children with disabilities throughout the nation. IDEA governs how states and public agencies provide early intervention, special education, and related services to more than 6.5 million eligible infants, toddlers, children and youth with disabilities. This series is designed to offer information about IDEA as amended in 2004. Each fact sheet will focus on a different aspect of IDEA.

Special Factors – Part 1

At the beginning of your child's Individualized Education Program (IEP) meeting the team will consider special factors which may impact his/her learning. There are five areas (factors) which IDEA mandates must be considered during every IEP meeting. These factors are:

- Behavior
- Limited English Proficiency
- Blind/Visually Impaired
- Hearing
- Assistive Technology

These factors must be discussed for each child at every IEP meeting. It does not matter what your child's eligibility is. For example, even though your daughter qualifies for special education services because she has a learning disability, the team still needs to consider all of the above factors. It is certainly possible that she could have behavior or assistive technology needs in order to help her benefit from her special education program. In this fact sheet we will review the Behavior and Limited English Proficiency (LEP) factors. Fact sheet #12 will cover the other three factors. We will review each factor and give you some examples of the type of questions that the team should be asking in order to determine the child's needs.



IDEA Section 300.324(a)(2) states that the IEP Team must –

1. In the case of a child whose behavior impedes the child's learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior.

If the team decides that behavior is a concern, the team needs to develop a plan to address the student's behavior. The team can not decide that the student has behavior concerns and then not implement a plan of action. The team may first request a Functional Behavior Assessment (FBA) to gather information. Then, the team may decide to address the student's behavior through IEP goals or through a Behavior Intervention Plan (BIP). For more information about FBAs and BIPs, please see our fact sheets #18 and #19. Both of these strategies are intended to discover why certain behaviors are occurring and to address these behaviors before they interfere with a student's learning.

According to IDEA 300.324(a)(3), one of the roles for the general education teacher at the IEP meeting is to determine what strategies will work best for the child. These could include classroom or school wide positive behavioral interventions and supports. Also, the teacher should help determine what supplementary aids and services, and/or program modifications will be effective in the classroom. Does the teacher need support in the classroom? For example, does he/she need another adult in the room for part of the day or does he/she need any additional training?

2. In the case of a child with limited English proficiency (LEP); consider the language needs of the child as those needs relate to the child's IEP.

When IDEA was reauthorized in 2004, Congress highlighted the needs of children who have limited English proficiency. Congress stated that the Federal Government must be responsive to the growing needs of an increasingly diverse society. They noted that the LEP population is the fastest growing group in the United States. Language barriers have led to the over referral of children with limited English proficiency for special education evaluations. Also, more minority children continue to receive special education services than would be expected from the percentage of minority students in the general school population. Because of this, IDEA requires teams to consider each child's English language needs. Schools are required to make sure those children who receive special education services also have their language needs addressed.



IDEA takes its definition of an LEP student from the Elementary Secondary Education Act (ESEA). The major points are that the student “comes from an environment where a language other than English has had a significant impact on the individual’s level of English language proficiency.” Also, an LEP student has difficulty “speaking, reading, writing, or understanding English sufficient enough to deny (the) student the ability to successfully achieve in the classroom where English is the language of instruction.”



Before a child is evaluated for special education services, his or her language needs were assessed. If a student has been identified as LEP, the evaluator must be sure to choose appropriate assessments and to administer those assessments in an unbiased way. (See our fact sheet on evaluations - #7). At the IEP meeting the team must consider the student’s language needs. Special education by itself will not address a child’s language needs. Additional services are required to support the child adequately.

If your child has limited English proficiency, be sure to request that the IEP team includes someone who has worked with your child and who also understands how language develops. For example, IEP teams need to be aware that conversational skills for a second language are acquired in 1-2 years, but academic language proficiency requires 5-7 years.

So although the child may be able to speak English well with friends and teachers, he or she may still need academic support in the native language. A bilingual or English as a Second Language (ESL) teacher can suggest strategies to use with a child who has ESL needs.

Think about scheduling. How will all of your child’s teachers - general ed., special ed., ESL, and bilingual – work together? Have a written plan for teacher collaboration time and know what your child’s schedule will be. For example, you will want to make sure your child is not missing a core subject area like math during pull-out times for ESL instruction. If you are a second language learner yourself, discuss with the team how they will communicate with you. During IEP meetings you may request a trained interpreter. You can also request that written communications are translated.

If you would like more information about special factors or help with your child’s IEP, please call Parents Reaching Out at 505-247-0192 or 1-800-524-5176 and ask to speak with a PTI Family Liaison.

Sources:

National Dissemination Center for Children with Disabilities (www.nichcy.org): *Building the Legacy: A Training Curriculum on IDEA 2004*.

New Mexico Public Education Department (NMPED) – Special Education Bureau. *Developing Quality IEPs Technical Assistance Manual* <http://www.ped.state.nm.us/SEB/technical/DevelopingQualityIEPs.pdf>

“What’s the Big IDEA?” fact sheets are developed by Parents Reaching Out under a grant from the US Department of Education, Office of Special Education. Views expressed do not necessarily represent the policy of the US Department of Education and should not be assumed to be an endorsement by the federal government.