Chapter 5 - Child's Present Level of Academic Achievement of Functional Performance and Consideration of Special Factors

The IEP team reviews the existing evaluation data on the child, including information and concerns shared by the parents. The team also reviews any other current pertinent data related to the child's needs and unique characteristics, such as information provided by parents; progress toward desired post-school outcomes; current classroom-based assessments; the most recent reevaluation; input from the child's special and general education teachers and service providers, and, as appropriate, the results of the child's performance on state-and district-wide assessments. If an independent evaluation has been conducted, the results of that evaluation must also be considered if it meets the District's criteria for such evaluations. These results are summarized to describe the child's present levels of performance and educational needs.

Statements of present level of academic achievement of functional performance in an area of need include how a child's disability affects his or her involvement and progress in the general education curriculum (i.e., the same curriculum as for children without disabilities). For preschool children, present levels of performance describe how the disability affects the child's participation in age-appropriate activities. The IEP for every child with a disability, even those in separate classrooms/schools must address how the child will be involved and progress in the general education curriculum. The statement should accurately describe the effect of the child's disability on the child's performance in each area of education that is affected.

The following guidelines should be followed in developing the statement of present level of academic achievement of functional performance.

- Statements should be written in easy to understand language that is free of educational jargon.
- Information must be current.
- Statements should reflect the results of the assessment data. Statements that relate scores to the child's level of functioning should accompany test scores. Raw test scores are not sufficient.
- There should be a direct relation between the present level of academic achievement of functional performance and the other components of the IEP. Thus, if the statement describes a problem with a child's reading, this problem should be addressed under both the goals and objectives and the specific special education and related services to be provided.
Section 300.347(a)(1) requires that the IEP for each child with a disability include "...a statement of the child's present levels of educational performance, including—(i) how the child's disability affects the child's involvement and progress in the general curriculum; or (ii) for preschool children, as appropriate, how the child's disability affects the child's participation in appropriate activities..." ("Appropriate activities" in this context refers to age-relevant developmental abilities or milestones that typically developing children of the same age would be performing or would have achieved.)

The IEP team's determination of how each child's disability affects the child's involvement and progress in the general curriculum is a primary consideration in the development of the child's IEP. In assessing children with disabilities, school districts may use a variety of assessment techniques to determine the extent to which these children can be involved and progress in the general curriculum, such as criterion-referenced tests, standard achievement tests, diagnostic tests, other tests, or any combination of the above.

The purpose of using these assessments is to determine the child's present levels of educational performance and areas of need arising from the child's disability so that approaches for ensuring the child's involvement and progress in the general curriculum and any needed adaptations or modifications to that curriculum can be identified.

Standardized tests scores by themselves are not helpful in developing IEP present levels of performance because they do not provide material that is relevant to the regular classroom and specific enough to develop annual goals and short term objectives. However, if a team feels it is necessary to include test scores in describing a student’s present level of educational performance, they should make sure the results are self-explanatory or explained, and ensure that the impact of the disability on the student’s performance is reflected. Also, in determining present levels, the IEP team should consider information and observations provided by the parents.

The results of performance-based, state-wide, and district assessments can be considered in developing present levels of performance, since there should be a clear link between these assessments and standards based classroom instruction. However, they too should be coupled with day-to-day instructional and assessment information from the classroom as well as other sources of information. The present levels of performance should provide a basis for projecting goals and objectives that will be developed, and help establish criteria for determining when the goals and objectives have been achieved. They should indicate what the student does or does not do in each area of concern at the time the IEP is developed. If the child uses assistive technology performance data is collected. This may be noted in the IEP. Since, however, there is an area in the IEP specifically used for documenting the supplementary aids, this is not required. It is from these specific levels that the participants at the IEP meeting can then develop annual goals and objectives which are relevant, and then determine the supplementary aids and services and special education and related services that need to be provided for the child to meet the goals.
Present levels of performance statements should answer such questions as:

- What are the student’s unique needs that result from his or her disability?
- What is it that the student can and cannot do at this time?
- What are the student’s strengths in this area?
- How do these needs affect the student’s participation and progress in the general curriculum or, for a preschool student, participation in age appropriate activities?
- What are the parents’ concerns for the education of their child?
- What instructional and/or behavioral supports or services have been effective or not effective in addressing the need area in the past year?
- What accommodations and/or program modifications or supplementary aids and services have been effective or not effective in addressing the need area in the past year?
- What instructional supports and services will likely be supported and used by the student?
- What transition needs of the student must be addressed to prepare the student for living, learning and working in the community as an adult?

In summary, present levels of performance should:

- Be related to an area of need
- Describe performance in the general curriculum
- Describe what student does (strength) and needs to be able to do
- Be written in objective, measurable terms
- Not include test scores unless they are self explanatory

Four Need Areas

The following areas must be considered in reporting a student’s present levels of performance and individual needs:

Academic/Educational Achievement and Learning Characteristics

- The student’s current levels of knowledge and development in subject and skill areas, including, as appropriate:
- activities of daily living (e.g., personal care, preparing meals, household activities, managing resources);
- level of intellectual functioning (e.g. general intelligence, attention, memory, problem-solving ability, language functioning);
- adaptive behavior (e.g., the effectiveness with which the individual copes with the natural and social demands of his or her environment; how the student makes judgments and decisions);
- expected rate of progress in acquiring skills and information (e.g., the pace in which a student learns new information or skills, in consideration of factors such as those associated with the child's levels of cognitive skills, interests, age and history of rate of progress); and
- learning style (e.g., how the student learns best such as through visual or auditory modalities, hands-on approaches, cooperative learning, repetition).
Social development

The degree and quality of the student’s:

- relationships with peers and adults,
- feelings about self, and
- social adjustment to school and community environment.

Physical development

The degree or quality of the student’s:

- motor and sensory development,
- health,
- vitality, and
- physical skills or limitations that pertain to the learning process.

Management Needs

The nature and degree to which the following are required to enable the student to benefit from instruction:

- environmental modifications (e.g., consistent room arrangement, materials and routine; written rules displayed; limited number of items on his desk)
- human resources (e.g., a paraprofessional to assist the student to locate classes and follow schedules); and
- material resources (e.g., two sets of books – one for home and one for school; large print font).

Management needs must be developed in accordance with the factors identified in the areas of academic or educational achievement and learning characteristics, social and physical development.
SAMPLE:

**Present Levels of Performance and Individual Needs**

Current functioning and individual needs in consideration of:

- the results of the initial or most recent evaluation, the student’s strengths, the concerns of the parents, the results of the student’s performance on any State or districtwide assessment programs
- the student’s needs related to communication, behavior, use of Braille, assistive technology, limited English proficiency
- how the student’s disability affects involvement and progress in the general curriculum
- The student’s needs as they relate to transition from school to post-school activities (ages 14 and older).

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Transcript Information – Secondary Students Only

Diploma Credits Earned: 11
Commencement-level State Tests Passed: Biology, Earth Science, Math A, Global History
Expected Date of High School Completion: 6/14
Expected Diploma: Regents

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**Academic/Educational Achievement and Learning Characteristics:**

Current levels of knowledge and development in subject and skill areas, including activities of daily living, level of intellectual functioning, adaptive behavior, expected rate of progress in acquiring skills and information and learning style.

Prior to his injury, Kevin was an honor student at the 10th grade level and demonstrated particular strengths in math and writing activities.

**STRENGTHS:**
- Current achievement testing shows he has maintained appropriate grade level reading skills.
- Learns best when materials are presented visually. However, he has some visual-perception problems (noted below).
- Is aware of the effects of his injury and has a positive attitude to overcome them (based on student interviews and parent reports).
- Is open to trying different ways to compensate for his injuries, but does not want to stand out as "different" among his peers.
- Does well when expectations are clearly and simply explained to him.
- Has retained prior learning in subject areas, but has difficulty learning new information.
WRITTEN EXPRESSION:
Testing and classroom assignments indicate difficulties with written expression:
- Omits punctuation and does not sequence sentences in a logical order in written work (topic sentence, supporting sentences, and conclusion).
- Written expression difficulties result in a slower pace of progress (it takes him on the average twice as long as his peers to complete an assignment.)
- This also impacts his ability to complete tests requiring written expression within a prescribed time period.
- Has difficulty taking notes in class and understanding and benefiting from notes taken.

MATH SKILLS:
- Achievement tests show basic computation skills are at appropriate grade level.
- In day-to-day class work, he has difficulty with problem solving tasks that involve multiple steps (3 or more).
- Unable to analyze the information presented in graphs and charts due to level of detail and has difficulty separating object from background.
- Has retained the knowledge and skills necessary for maintaining a checkbook.

ORGANIZATION SKILLS:
- Has difficulty analyzing a task that has more than three steps (e.g., the steps to get ready for physical education class).
- Relies on following the actions of his peers but cannot follow teacher directions independently when they involve multiple steps (more than 3).

MEMORY/ATTENTION:
- Has difficulty remembering homework assignments and what books to bring to class, class schedule, and the combination to his locker. As a result, he misses an average of 2 classes per week and over a 30-day period he failed to complete 50% of his assignments.

COMMUNICATION:
- Has difficulty participating in oral discussions in the classroom, especially when new material is being taught and he is having difficulty expressing new information.
- Answers direct questions appropriately, but when more than one topic is being discussed, he shifts unexpectedly from topic to topic, especially when he is not familiar with the subject being discussed.
- Speaks out of turn and/or responds inappropriately with contributions to conversations that are often off topic.

VOCATIONAL EVALUATION:
- Interest inventories show preferences for work in agriculture, building, repairing, and working outdoors. Highest interest scores were in working with plants and animals and tools and equipment. His assessed interests match his expresses vocational interests.
- Needs to develop strategies to address difficulties in comprehension, problem-solving, new-task learning, staying on task and endurance.
Social Development:

The degree and quality of the student’s relationships with peers and adults, feelings about self and social adjustment to school and community environments.

- Is a well-liked, cooperative student who has maintained close ties with his friends since the accident and continues his interest in sports activities.
- Responds to cues and seeks feedback from others in a positive manner.
- Enjoys and participates in individual school and community sports (e.g., swimming, racquetball).
- Has difficulty participating in team sports because he becomes very agitated when in a competitive situation.
- His self-awareness when speaking in front of his peers has resulted in his leaving class unexcused on the average of twice a week.
- Needs to acquire the social and work skills that will enable him to get along with co-workers and respond appropriately to supervision.

Physical Development:

The degree or quality of the student’s motor and sensory development, health, vitality and physical skills or limitations that pertain to the learning process.

HEALTH
- Experiences frequent fatigue throughout the day, especially after periods of reading and physical activity.
- Gets headaches at least once a week, which often necessitates trips to the nurse and result in frequent absences from class. If he remains in class, he often puts his head down and indicates he cannot concentrate.
- Needs to increase his level for work tolerance and endurance.
- Cannot participate in contact sports without medical clearance.

SENSORY:
- Hearing is within normal limits.
- Has visual perception problems in separating objects from background without strong contrast.
Management Needs:

The nature of and degree to which environmental modifications and human or material resources are required to enable the student to benefit from instruction. Management needs are determined in accordance with the factors identified in the areas of academic/educational achievement and learning characteristics, social development and physical development.

- Scheduled rest periods throughout the instructional day.
- Tasks analyzed and written in steps.
- Use short and direct instructions.
- Assistance during transition between classes.
- Organizational strategies such as assignment notebooks, organizers.
- Strategies to compensate for visual perception problems.

Consideration of Special Factors

The Law - IDEA

(B) CONSIDERATION OF SPECIAL FACTORS- The IEP Team shall:

(i) 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

(ii) in the case of a child with limited English proficiency, consider the language needs of the child as such needs relate to the child's IEP

(iii) in the case of a child 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 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), that instruction in Braille or the use of Braille is not appropriate for the child

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

(v) consider whether the child needs assistive technology devices and services.
Explanation

As appropriate, the IEP Team shall consider the following special factors and include statements addressing these needs in the child's IEP:

If the child's behavior impedes his or her learning or that of others, the team shall consider, when appropriate, strategies such as positive behavioral interventions and supports to address that behavior.

If the child has limited English proficiency, the IEP Team shall consider the language needs of the child.

If the child is blind or visually impaired, the IEP Team shall provide for instruction in Braille and the use of Braille unless determined not appropriate for the child. This determination can only be made 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.)

If the child is deaf or has a hearing impairment, the IEP Team shall consider the language and communication needs of the child, opportunities for direct communication with peers and professional personnel in the child's language and communication mode, the child's academic level, and his or her full range of needs including opportunities for direct instruction in the child's language and communication mode.

If the IEP Team determines that assistive technology devices (i.e., electronic communication device, phonic ear) and/or services (i.e., assistive technology evaluation, training, technical assistance) are necessary in order for the child to access and benefit from the educational program, such technology must be designated in the IEP.

The following information provides examples of guiding questions an IEP Team may use to determine whether certain students need a particular device or service (including an intervention, accommodation, or other program modification) in order for the student to receive a free appropriate public education.

Are there special factors that need to be considered to allow the child to benefit from his/her education?

1. Has the IEP team considered all the special factors without regard to disability category?

   Behavior

   Limited English proficiency

   Communication

   Assistive technology
2. If the child is visually impaired, has the IEP team considered the child’s need for Braille instruction?

3. If the child is hearing impaired, has the IEP team considered:
   - the child’s language and communication needs; opportunities for direct communication with peers and school staff
   - the child’s academic level and full range of needs?

**Special Factor 1-Students who demonstrate behaviors which impede learning**

**Key Question:** Is the child’s behavior impacting his/her learning or that of others?

A functional behavioral assessment (FBA) is conducted as part of an individual evaluation for each student with a disability who has behaviors that impede his or her learning or that of others. A FBA must also be conducted when disciplinary actions have resulted in the suspension or removal of the student from his or her current program for more than 10 days in a school year. FBA provide information on why a student engages in a behavior, when the student is most likely to demonstrate the behavior and situations in which the behavior is least likely to occur. The IEP of a student whose behavior impedes his or her learning or that of others must indicate the strategies, including positive behavioral interventions and supports to address a student’s behavior needs.

Based on the results of the FBA, the IEP Team must identify strategies, including positive behavioral interventions and supports to address those behaviors. When a student’s behaviors are such that they are impeding learning, the IEP must identify, as appropriate, the student’s present levels and needs, annual goals, including short-term objectives and/or benchmarks related to behaviors, and the special education and related services, supplementary aids and services to be provided to the student, or on behalf of the student, any needed program modifications, and any supports for school personnel needed to address the behavior.

In determining the supports, services, interventions or program modifications a student may need to address behaviors that impede learning, the IEP Team should consider the following questions:

1. What behaviors does the student exhibit that are different from those of same-age peers?
2. When is the student most likely to exhibit the problem behavior?
3. What are the general conditions under which a behavior usually occurs and probable consequences that serve to maintain it?
4. What contextual factors (including cognitive and affective factors) contribute to the behavior?
5. What specific events appear to be contributing to the student’s problem behavior?
6. What function(s) does the problem behavior serve for the student?
7. What might the student be communicating through problem behavior?
8. When is the student less likely to engage in the problem behavior?
9. Does the student’s behavior problem persist despite consistently implemented behavioral management strategies?
10. Does the student’s behavior place him/her or others at risk of harm or injury?
11. Have the student’s cultural norms been considered relative to the behavior(s) in question?
12. Do health-related issues affect the behavior?
13. Does the student’s disability affect his/her ability to control the behavior?
14. Does the student’s disability affect his/her understanding of the consequences of the behavior?
15. What accommodations are necessary for instruction and testing?
16. Does the student need an individual behavioral intervention plan?

**Special Factor 2- Students with Limited English proficiency**

**Key Questions:**

1. Does the child’s level of English language proficiency affect special education and related services needed by the child? If so, to what extent?

2. Will the special education and related services needed by the child be provided in a language other than English?

For all students with disabilities with limited English proficiency, the IEP Team must consider how the student’s language needs relate to the IEP. Schools must provide a student with limited English proficiency with alternative language services to enable him/her to acquire proficiency in English and to provide him/her with meaningful access to the content of the educational curriculum that is available to all students, including special education and related services. The IEP Team should consider the following questions:

1. Has the student been assessed in English as well as his/her native language?
2. Did the evaluation of the student with limited English proficiency measure the extent to which the student has a disability and needs special education rather than measure the student’s English language skills?
3. Does the disability impact on the student’s involvement and progress in the bilingual education or English as a Second Language (ESL) program of the general curriculum?
4. What language will be used for this student’s instruction?
5. What language or mode of communication will be used to address parents or family members of the student?
6. What accommodations are necessary for instruction and testing?
7. What other language services (i.e., English as a second language, bilingual education) must be provided to ensure meaningful access to general and special education and related services?
Special Factor 3-Students with visual impairments

When a student is blind or visually impaired, the IEP Team must provide 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, that instruction in Braille or the use of Braille is not appropriate for this student. The student’s future needs for instruction in Braille or the use of Braille must also be considered. The IEP Team should consider the following questions:

1. Does the student have a disability in addition to blindness that would make it difficult for him/her to use his or her hands?
2. Does the student have residual vision?
3. Does the student use or need to learn to use assistive technology for reading and writing?
4. Is the student’s academic progress impeded by the current method of reading?
5. Does the student use Braille, large print, recordings or regular print?
6. Will the student need to use Braille, large print or recordings in the future?
7. Have provisions been made to obtain in Braille the printed materials used by sighted students?
8. Does the student need instruction in orientation and mobility?
9. Does the student have appropriate listening skills?
10. Does the student have age-appropriate social skills?
11. What skills does the student need to enable him or her to learn effectively?
12. What accommodations are necessary for instruction and testing?
13. What is the potential loss of remaining vision?
14. What is the amount of reading required of the student in the general education curriculum?
15. Does the student have language-related learning disabilities?

Special Factor 4-Students with Communication Needs

Key Questions:

Does the child need to learn and/or use special communication/language skills and/or strategies? If yes, does the child’s annual goal(s) and short-term objectives or benchmarks address affected areas?

The IEP Team must 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. The IEP Team must consider the student’s opportunities for direct interaction with peers and educational personnel in the student’s own language and communication mode. Opportunities for direct interaction (without needing an interpreter) in the student’s own language and communication mode must also be described. The IEP Team should consider the following questions:
1. Does the student use American Sign Language?
2. What mode of communication does the student use?
3. What mode of communication does the family prefer?
4. Is an interpreter or translator needed for the student to participate in and benefit from classroom instruction and/or interaction with peers and educational personnel?
5. Does the student require assistive devices to facilitate the development and use of meaningful language and/or a mode of communication?
6. Does the student require the use of hearing aids and assistive listening devices in order to maximize auditory training and language development in classrooms, related school activities and at home?
7. What environmental modifications are necessary to address communication needs?
8. Are there opportunities for the student to participate in direct communication with peers and educational personnel?
9. What opportunities exist for direct instruction (without an interpreter) in the student’s language and/or mode of communication?

**Special Factor 5-Students Who May Need Assistive Technology Devices and Services**

**Key Questions:**

1. What, if any, assistive technology devices and/or services does the child need to achieve her/his annual goals, including benchmarks, or short-term objectives?

2. Does the child need to learn new and/or increase skills to use assistive technology devices and/or services? If yes, develop PLEP, annual goal(s) and benchmarks or short-term objectives in the appropriate area(s).

Some students may require assistive technology devices and services to benefit from a free appropriate public education (FAPE). The IEP Team must also consider whether the use of school-purchased assistive technology devices must be used in the student’s home or in other settings in order for the student to receive FAPE. Parental input in this area is especially important. The IEP Team should consider the following questions:

1. What can the student do now with and without assistive technology devices and services?
2. What does the student need to be able to do?
3. Can assistive technology devices and services facilitate student success in a less restrictive environment?
4. Does the student need assistive technology devices and services to access the general curriculum or to participate in nonacademic and extracurricular activities?
5. What assistive technology services would help the student participate in the general curriculum and/or classes?
6. Does the student need assistive technology devices and services to benefit from educational/printed materials in alternative formats?
7. Does the student need assistive technology devices and services to access auditory information?
8. Does the student need assistive technology devices and services for written communication/computer access?

9. Does the student need an assistive technology device or service for communication?

10. Does the student need assistive technology devices to participate in State and districtwide testing?

11. Will the student, staff and/or parents need training to facilitate the student’s use of the assistive technology devices?

12. How can assistive technology devices and services be integrated into the student’s program across settings such as work placements and for homework?