

# Consideration of Special Factors:

## “Unique” Communication Needs

Communication is defined as a process by which information is exchanged between individuals through a common system of symbols, signs, or behavior. Communication is the ability to receive, send, process and comprehend concepts which can be done through verbal, nonverbal and graphic symbol systems.

When determining the “unique communication needs” of a student referred to special education for an eligibility determination or when reviewing these needs for students currently receiving special education services, the IEP team should define communication in as broad or narrow terms as necessary in order to ensure the student has access to general education and a free appropriate public education (FAPE).

If a student has needs that could be characterized in more than one way, for example, the needs could be considered communication needs and/or behavioral needs and/or literacy needs, the IEP team should consider the data in the present levels of academic achievement and functional performance (PLAAFP) section of the IEP in determining how these needs should best be characterized. Regardless of the category by which the needs are characterized, the IEP team must ensure that any identified needs are reflected throughout the IEP.

If the team determines the student has “unique communication needs,” the question “Does the student have unique communication needs?” in the *Consideration of Special Factors* section should be checked **yes** and a succinct summary statement of these needs must be provided.

### Consideration of Special Factors








Areas in the section *Consideration of Special Factors*:

- are used to consider any special factors that may impede the student’s learning or ability to receive FAPE
- must be addressed for all students by the IEP team
- must be connected throughout the IEP (e.g. evaluation data about present levels should identify the student’s strengths and area of improvement in the identified area(s) )
- are a direct requirement from section 614(d)(3)(B) of IDEA

**Does the student have unique communication needs?**

Yes  No

If yes, specify:

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- Student is nonverbal and uses low tech picture symbols to communicate.
- Student has muscular dystrophy and speech intelligibility decreases when student is fatigued.
- Student’s emotional regulation affects his/her ability to communicate appropriately. See Behavior Intervention Plan for further details.
- Student has a hearing impairment, including deafness and uses sign language. See Communication Plan for further details.



Do not repeat all the evaluation information located elsewhere in the IEP. Just provide a brief statement describing the student’s communication characteristics. Modifications/accommodations, if any, would be listed in the appropriate section of the IEP and do not need to be included in the *Consideration of Special Factors* section.

If the student’s “unique communication needs” involve the use of assistive technology (AT), list the type of AT device or service in the box designated for assistive technology devices or services without listing the brand name of a specific device or software, (e.g. word prediction software or speech-generating device with semantic compaction).

If the student is an English learner, this would be addressed by the question “Does the student have Limited English Proficiency?” A language difference alone would not meet the requirements for having “unique” communication needs.

In summary, if the IEP team determines that the student’s communicative behavior, whether verbal, nonverbal or through graphic symbols prevents the student from accessing general education or prevents him/her from receiving FAPE, then a description of this communicative behavior must be identified throughout the IEP and summary statement provided in the *Consideration of Special Factors* section.

## Frequently Asked Questions

1. Can we just put “See Communication Plan and/or Learning Media Plan and/or Behavior Intervention Plan” in “unique communication” box?

A summary statement regarding the student’s communication would provide better clarification in case the person or receiving school reading the IEP doesn’t have a copy of the Communication Plan, Learning Media Plan and/or Behavior Intervention Plan.

2. If a student with a hearing impairment, including deafness, is oral and has personal hearing aids can we indicate that in the “unique communication needs” box?

If the team feels it is necessary for the student to have access to general education and receive FAPE, you could include a summary statement regarding the previously completed Communication Plan which would detail the student’s use of hearing aids.

3. Some districts have been instructed to only have the teacher of the visually impaired (TVI) or teacher of the deaf (TOD) complete the Learning Media Plan or Communication Plan, respectively. If the student has unique communication needs who completes this box?

Any member of the IEP team who has direct knowledge of the student’s unique communication needs is capable of completing this section.

4. How is funding tied to this section?

Funding at the state level is not related to this section. Your district/AU/BOCES may look at this section for other purposes.

5. What information is reported to CDE from this page?

We only collect information that we are required to report to the federal government. Required information is not generated from this section.

6. Is communication being defined as only speaking and listening skills or does it include reading, writing and behavior skills as well?

When considering the student’s unique communication needs, listening, speaking, reading, writing or behavior needs could be considered as part of communication needs, depending on the student’s individual needs in order to access general education and receive FAPE.



7. Do all students with “unique communication needs” also receive assistive technology devices or services, direct or indirect speech-language services?  
Not necessarily. It would depend on the student’s individual needs in order to access general education and receive FAPE.
8. Would this be a place to document if a student has Selective Mutism?  
Yes, this section could be used to summarize the communication skills of a student who has been identified as having Selective Mutism. The PLAAFP should still be the place where the more complete description of the student’s skills is explained. If the student has a Behavior Intervention Plan which addresses communication, include a brief statement regarding this plan.
9. If the student is identified with a hearing impairment, including deafness, how would you respond to the “unique communication needs” question?  
You would have already completed the Communication Plan. When answering “unique communication needs” question, you would mark the “yes” box and provide a summary statement regarding the Communication Plan.
10. Would a student who has limited English proficiency be considered to have unique communication skills?  
Not necessarily. It would depend on the student’s individual needs in order to access general education and receive FAPE (e.g. if the student uses an AT device to communicate and has limited English proficiency then both boxes would be checked “yes” and completed. The assistive technology box would also be marked yes.). A language difference alone would not meet the criteria for having “unique” communication needs.

*This CDE guidance document is meant for clarification, is not legally binding, and is not to be confused with legal advice. This guidance reflects CDE’s recommendations, but Administrative Units (AUs) may have developed their own policies or procedures that differ from those described herein. Be sure to refer to your local AU’s policies and procedures through the Director of Special Education. If you are seeking legal advice, please contact your legal counsel.*

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