

DEFINITIONS: A student or youth from three through 21 years of age is considered to have a disability under the Individuals with Disabilities Education Act (IDEA) if the student or youth meets the eligibility criteria in any of the following areas.

(a) Autism

Autism is a developmental disability, generally evident before age three, that adversely affects a student's educational performance and significantly affects developmental rates and sequences, verbal and non-verbal communication and social interaction and participation. Other characteristics often associated with autism are unusual responses to sensory experiences, engagement in repetitive activities and stereotypical movements and resistance to environmental change or change in daily routines. Students with autism vary widely in their abilities and behavior. The term does not apply if a student's educational performance is adversely affected primarily because the student has an emotional and behavioral disorder. [refer to 34 CFR 300.7(c)(1)(i)]

The term of autism may also include students who have been diagnosed with Pervasive Developmental Disorder, Asperger's Disorder, Rett's Disorder, or Childhood Disintegrative Disorder provided the student's educational performance is adversely affected and the student meets the eligibility and placement requirements. Autism may exist concurrently with other areas of disability.

(b) Deaf/blind

Deafblind means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.

(c) Deaf/hard of hearing

A student who is deaf or hard of hearing is one who exhibits a hearing loss, whether permanent or fluctuating, that interferes with the acquisition or maintenance of auditory skills necessary for the normal development of speech, language, and academic achievement. [Refer to 34 CFR 300.7 (3), (5)]

1. A student who is deaf can be characterized by the absence of enough measurable hearing (usually a pure tone average of 66-90+ decibels American National Standards Institute without amplification) such that the primary sensory input for communication may be other than the auditory channel.

2. A student who is hard of hearing can be characterized by the absence of enough measurable hearing (usually a pure tone average range of 30-65 decibels American National Standards Institute without amplification) such that the ability to communicate is adversely affected; however, the student who is hard of hearing typically relies upon the auditory channel as the primary sensory input for communication.

(d) Emotional and behavioral disorder

An emotional and behavioral disorder is an emotional disability characterized by the following:

- (i) An inability to build or maintain satisfactory interpersonal relationships with peers and/or teachers. For preschool-age children, this would include other care providers.
- (ii) An inability to learn which cannot be adequately explained by intellectual, sensory or health factors.
- (iii) Consistent or chronic inappropriate type of behavior or feelings under normal conditions.
- (iv) Displayed pervasive mood of unhappiness or depression.
- (v) Displayed tendency to develop physical symptoms, pains or unreasonable fears associated with personal or school problems.

A student with EBD is a student who exhibits one or more of the above emotionally based characteristics of sufficient duration, frequency and intensity that it/they interfere(s) significantly with educational performance to the degree that provision of special educational services is necessary. For preschool-age children, these characteristics may appear within the preschool environment or in another setting documented through an extended assessment period. The student's difficulty is emotionally based and cannot be adequately explained by intellectual, cultural, sensory or general health factors.

(e) Intellectual disability (mild, moderate, severe, profound).

Intellectual disabilities refers to significantly subaverage general intellectual functioning which exists concurrently with deficits in adaptive behavior that adversely affect educational performance and is manifested during the developmental period. [refer to 34 CFR 300.7 (c)(6)]

(1) Significantly subaverage general intellectual functioning is defined as approximately 70 IQ or below as measured by a qualified psychological examiner on individually administered, standardized measures of intelligence.

(a) All IQ scores defining eligibility for students with intellectual disabilities shall be interpreted as a range of scores encompassed by not more than one standard error of measurement below and above the obtained score. The standard error of measurement for a test may be found in the technical data section of the test manual.

(b) Any final determination of the level of intellectual functioning shall be based on multiple sources of information and shall include more than one formal measure of intelligence administered by a qualified psychological examiner. There may be students with IQ scores below 70 who do not need special education, while some students with IQ scores over 70 may need special education. Interpretation of results should take into account factors that may affect test performance such as socioeconomic status, native language, cultural background and associated disabilities in communication, sensory or motor areas.

(2) Deficits in adaptive behavior are defined as significant limitations in an individual's effectiveness in meeting the standards of maturation, learning, personal independence or social responsibility, and especially school performance that is expected of the individual's age-level and cultural group, as determined by clinical judgment.

(a) Individuals with intellectual disabilities typically have strengths that coexist with weaknesses in adaptive behavior. During the pre-school years the primary criteria for adaptive behavior evaluations are sensory motor skills; communication skills; self-help skills; and socialization. In addition to the previous criteria, during the school age years evaluation criteria include the use of basic academic skills in practical situations, the use of reasoning and judgment in coping effectively in a variety of environments, the acquisition of social skills and establishing and maintaining satisfactory personal relationships. In late adolescence and adulthood, additional criteria related to independent functioning and vocational activity are used.

(b) Any final determination of impairment in adaptive behavior shall be based on at least two measures of adaptive behavior, one of which shall be a formal measure.

(c) At least two sources must be used to provide the information for the adaptive behavior measures. The first source should be someone from the local school who knows the student such as a general education teacher, a special education teacher, or a counselor. The second source, if possible, should be someone who knows the student from outside the school environment such as a parent, guardian, family member or other person familiar with the student.

(d) Interpretation of results should consider the student's cultural background, socioeconomic status and any associated disabilities that may limit or impact the results of the adaptive behavior measures in comparing students to expected standards for a particular age group.

(3) Deficits in intellectual functioning and adaptive behavior are all documented prior to age 18.

(f) Orthopedic impairment

Orthopedic impairment refers to students whose severe orthopedic impairments affect their educational performance to the degree that the student requires special education.

This term may include:

- (1) Impairment caused by congenital anomalies, e.g., deformity or absence of some member.
- (2) Impairment caused by disease, e.g., poliomyelitis or bone tuberculosis.
- (3) Impairment from other causes, e.g., cerebral palsy, amputations, and fractures or burns that cause contractures. [refer to 34 CFR 300.7 (8)]

Secondary disabilities may be present, including, but not limited to, visual impairment, hearing impairment, communication impairment and/or intellectual disability.

(g) Other health impairment

Other health impairment means having limited strength, vitality or alertness including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that –

- (1) Is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficient hyperactivity disorder, diabetes, epilepsy, or heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, and sickle cell anemia; and
- (2) Adversely affects a student's educational performance.

In some cases, heightened awareness to environmental stimulus results in difficulties with starting, staying on and completing tasks; making transitions between tasks; interacting with others; following directions; producing work consistently; and, organizing multistep tasks.

(h) Significant developmental delay (ages 3-5)

The term significant developmental delay refers to a delay in a child's development in adaptive behavior, cognition, communication, motor development or social development to the extent that, if not provided with special intervention, it may adversely affect his/her educational performance in age-appropriate activities. The term does not apply to children who are experiencing a slight or temporary lag in one or more areas of development, or a delay which is primarily due to environmental, cultural, or economic disadvantage or lack of experience in age appropriate activities. The SDD eligibility may be used for children from ages three through five, and in no instance later than the end of the school year in which the child turns six.

(i) Specific learning disability

Specific learning disability is defined as a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations. The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. The term does not apply to students who have learning problems that are **primarily** the result of visual, hearing or motor disabilities, intellectual disabilities, emotional or behavioral disorders or environmental, cultural or economic disadvantage.

(2) This definition is intended to distinguish a specific learning disability from a general learning deficit or from underachievement. The term specific learning disability would, therefore, exclude those students whose overall limited cognitive ability results in pervasive learning problems. A specific learning disability is characterized by a pattern of strengths and weaknesses in performance rather than general academic weaknesses. While most students with specific learning disabilities have average or above average intelligence, **some** students with specific learning disabilities may score below the average range on tests of intelligence. For these students, there shall be thorough documentation that eligibility criteria have been met.

(3) The student with a specific learning disability has one or more serious academic deficiencies that are significantly discrepant with measured ability. The student's need for academic support alone is not sufficient for eligibility and does not override the other established requirements for determining eligibility.

(4) The student who is eligible for services under the category of specific learning disabilities exhibits a deficit in basic psychological processes which is manifested in a severe discrepancy between actual achievement and expected performance. Deficits in basic psychological processes in the definition typically include problems in attending, discrimination/perception, sensory integration, organization, sequencing, short-term memory, long-term memory and/or conceptualization/reasoning. Once a deficit in basic psychological processes is documented, there shall be evidence that the processing deficit has impaired the student's mastery of the academic tasks required in the regular curriculum. An achievement deficit exists when there is a severe discrepancy between current achievement and estimated measured ability and when the current achievement is below the student's grade placement level.

(5) Students whose achievement in classroom academics is not commensurate with their abilities in academic areas may be considered as having a specific learning disability even though they are progressing from grade to grade.

(j) Speech-language impairment

Speech-language impairment - a communication skill which differs so significantly in manner or content from that of peers that it **is apparent**, disrupts communication or affects emotional, social, intellectual or educational growth. A speech-language impairment may range from mild to profound. It may be congenital or acquired. Speech-language impairment refers to impairments in the areas of articulation, fluency, voice or language. Individuals may demonstrate one or any combination of speech-language impairments. A speech-language impairment may be a primary disability or it may be secondary to other disabilities.

(1) Articulation impairment - the atypical production of speech sounds characterized by substitutions, omissions, additions or distortions that may interfere with intelligibility. The term articulation impairment may include phonological process disorders which also may be accompanied by oral-motor dysfunction. The term articulation impairment does not include students whose communication problems result primarily from dialectal differences, students whose speech sound errors are at or above age level according to established developmental norms and whose speech is intelligible or students who exhibit tongue thrust behavior without an associated articulation impairment.

(2) Language impairment - impaired comprehension and/or use of language. The impairment may involve the form of language (phonology, morphology, syntax), the content of language (semantics) and/or the function of language in communication (pragmatics) in any combination. The term language impairment does not include students who have a dialectal difference, auditory processing disorders, selective mutism or whose communication problems result from English being a secondary language, unless it is determined that they also have a speech language impairment.

(a) Form of Language.

1. Phonology - the sound system of a language and the rules that govern the sound combinations.

2. Morphology - the system that governs the structure of words and the construction of word forms.

3. Syntax - the system governing the order and combination of words to form sentences and the relationships among the elements within a sentence.

(b) Content of Language.

1. Semantics - the system that governs the meanings of words and sentences.

(c) Function of Language.

1. Pragmatics - the system that combines the above language components in functional and socially appropriate communication.

(3) Fluency impairments - an interruption in the flow of speaking characterized by atypical rate, rhythm, and/or repetitions in sounds, syllables, words and phrases. Excessive tension, struggle behavior and secondary characteristics may accompany fluency impairments.

(4) Voice impairment – aphonia (absence of voice) or the abnormal production of vocal quality, pitch, loudness, resonance, and/or duration, which is inappropriate for an individual's age and/or gender. The term voice impairment does not refer to selective mutism.

(k) Traumatic brain injury

Traumatic Brain Injury (TBI) refers to an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects the student's educational performance. The term applies to open or closed head injuries resulting in impairments which are immediate or delayed in one or more areas, e.g., cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem solving, sensory, perceptual and motor abilities, psychosocial behavior, physical functions, speech and information processing. These injuries may intensify pre-existing problems in these areas as well. Resulting impairments may be temporary or permanent in nature. The term does not apply to brain injuries that are congenital or degenerative in nature, brain injuries induced by birth trauma or those resulting from internal occurrences such as stroke, tumor or aneurysm.

(l) Visual impairment

A student with a visual impairment is one whose vision interferes with functioning in a regular school program or, for preschool-age children, in learning tasks. Examples are students whose visual impairments may result from congenital defects, eye diseases, or injuries to the eye. Visual impairment is determined on the basis of a current examination by an ophthalmologist or optometrist.

(1) Functionally blind means a student who is legally blind and unable to use print as the reading medium. Consideration of instruction in Braille is essential to this student's education.

(2) Legally blind means a student whose visual acuity is 20/200 or less in the better eye after correction or who has a limitation in the field of vision that subtends an angle of 20 degrees. Some students who are legally blind have useful vision and may read print.

(3) Partially sighted means a student whose visual acuity falls within the range of 20/70 to 20/200 in the better eye after correction or when the student cannot read 18 point print at any distance. Some students with a visual acuity greater than 20/70 will need specialized help for a limited time. The eligibility report shall document whether the visual loss constitutes an educational disability.