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Office 770-577-7771 Toll Free 1-800-322-7065
www.peppinc.org

Disabilities That Qualify Children and Youth for Special Education Services under the Individuals with Disabilities Education Act (IDEA)

The Education of the Handicapped Act, Public Law (P.L.) 94-142, was passed by Congress in 1975 and amended by P.L. 99-457 in 1986 to ensure that all children with disabilities would have a free, appropriate public education available to them which would meet their unique needs. It was again amended in 1990 and the name was changed to IDEA.

IDEA defines "children with disabilities" as having any of the following types of disabilities: autism, deaf, deaf-blindness, hearing impairments (including deafness), mental retardation, multiple disabilities, orthopedic impairments, other health impairments, serious emotional disturbance, specific learning disabilities, speech or language impairments, traumatic brain injury, and visual impairments (including blindness). These terms are defined in the regulations for IDEA, as described below.

1. AUTISM

A developmental disability significantly affecting verbal and non-verbal communication and social interaction, generally evident before age three, that adversely affects educational performance.

2. DEAFNESS

A hearing impairment which is so severe that a child is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects educational performance.

3. DEAF-BLINDNESS

Simultaneous hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that a child

cannot be accommodated in special education programs solely for children with deafness or children with blindness.

4. HEARING IMPAIRMENT

A hearing impairment, whether permanent or fluctuating, which adversely affects a child's educational performance but which is not included under the definition of "deafness."

5. MENTAL RETARDATION

Significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affects a child's educational performance.

6. MULTIPLE DISABILITIES

Simultaneous impairments (such as mental retardation/blindness, mental retardation/orthopedic impairment, etc.), the combination of which causes such severe educational problems that the child cannot be accommodated in a special education program solely for one of the impairments. The term does not include children with deaf-blindness.

7. ORTHOPEDIC IMPAIRMENT

A severe orthopedic impairment which adversely affects a child's educational performance. The term includes impairments caused by a congenital anomaly (e.g. clubfoot, absence of some member, etc.), impairments caused by disease (e.g. poliomyelitis, bone tuberculosis, etc.), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns which cause contractures).

8. OTHER HEALTH IMPAIRMENT

Having limited strength, vitality or alertness, due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes, which adversely affects a child's educational performance. According to the Office of Special Education and Rehabilitative Services' clarification statement of September 16, 1991, eligible children with ADD may also be classified under "other health impairment."

9. SERIOUS EMOTIONAL DISTURBANCE

(I.) A condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree, which adversely affects educational performance: (A) an inability to learn which cannot be explained by intellectual, sensory, or health factors; (B)

an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; (C) inappropriate types of behavior or feelings under normal circumstances; (D) a general pervasive mood of unhappiness or depression; or (E) a tendency to develop physical symptoms or fears associated with personal or school problems. (II.) The term includes children who have schizophrenia. The term does not include children who are socially maladjusted, unless it is determined that they have a serious emotional disturbance.

10. SPECIFIC LEARNING DISABILITY

A disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

11. SPEECH OR LANGUAGE IMPAIRMENT

A communication disorder such as stuttering, impaired articulation, a language impairment, or a voice impairment, which adversely affects a child's educational performance.

12. TRAUMATIC BRAIN INJURY

An injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial maladjustment, or both, which adversely affects educational performance. The term does not include brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma.

13. VISUAL IMPAIRMENT, INCLUDING BLINDNESS

A visual impairment which, even with correction, adversely affects a child's educational performance. The term includes both children with partial sight and those with blindness.

SERVICES FOR INFANTS, TODDLERS, AND PRESCHOOLERS WITH DISABILITIES

P.L. 99-457, the Education of the Handicapped Act Amendments of 1986, created a new mandate for all state education agencies to serve all children with disabilities from age

three by 1991-1992. The Preschool Program's purpose is to extend the P.L. 94-142 rights to children from age three, including all definitions and requirements. However, Congress made an important distinction for preschoolers: States are not required to label 3-5 year-olds in order to serve these children.

P.L. 99-457 also established the Part H Program, now known as the Early Intervention Program for Infants and Toddlers with Disabilities. This program is directed to the needs of children, birth to their third birthday, who need early intervention services because they: (1) are experiencing developmental delays in one or more of the following areas: cognitive, physical, language and speech, psychosocial, or self-help skills; (2) have a physical or mental condition that has a high probability of resulting in delay, such as Down syndrome, cerebral palsy, etc.; or (3) at the state's discretion, are at risk medically or environmentally for substantial developmental delays if early intervention is not provided. In addition, the infant and toddler's family may receive services under this program that are needed to help them in assisting in the development of their child. State definitions of eligibility under this program vary; many states are still in the process of developing their Part H programs. Therefore, depending on the state, services may be fully available or still in the process of developing.

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