

# Chapter 4:

## Eligibility Categories

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In this chapter you will -

- learn the different special education categories

IDEA lists different disability categories under which children may be eligible for services. For a child to be eligible for services, the disability must adversely affect the child's educational performance and necessitate specially designed instruction and/or related services in order for the student to make progress in the general education curriculum. Students may qualify for services under one or more categories. These categories do not tell the whole story of the student. Categories alone do not identify where the student will go to school or determine what kind of services he or she needs.

A child may not be identified as a "child with a disability" just because he or she speaks a language other than English and does not speak or understand English well. A child also may not be identified as having a disability just because he or she has not had enough instruction in math or reading.

### **Disability Category Definitions**

Unless otherwise stated in the definitions below, the following 14 special education eligibility categories are found at 34 CFR 300.8(c).

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#### **Autism Spectrum Disorder**

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Autism spectrum disorder (ASD) means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, that adversely affects a child's educational performance. Other characteristics often associated with ASD are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. ASD does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disability. ASD includes autistic disorder, childhood disintegrative disorder, pervasive developmental disorder not otherwise specified (PDD-NOS), and the diagnosis previously identified as Asperger syndrome.

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### **Deaf-blindness**

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Deaf-blindness means simultaneous hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that students with these combined impairments cannot be accommodated in special education programs solely for children with deafness or children with blindness.

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### **Deafness**

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

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### **Developmental Delay**

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Developmental delay means a significant delay in physical development, intellectual development, communication development, social or emotional development, or adaptive development (may include children from three through nine years of age), per 23 IAC 226.75.

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### **Emotional Disability**

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An emotional disability means a condition exhibiting one or more of the following characteristics over a long period of time and to a degree that adversely affects a child's educational performance:

- An inability to learn that cannot be explained by intellectual, sensory, or health factors
- An inability to build or maintain satisfactory interpersonal relationships with peers and teachers
- Inappropriate types of behavior or feelings under normal circumstances

- A general pervasive mood of unhappiness or depression
- A tendency to develop physical symptoms or fears associated with personal or school problems
- Emotional disability includes schizophrenia

Emotional disability does not apply to children who are socially maladjusted unless it is determined that they have an emotional disability also.

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### **Hearing Impairment**

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A hearing impairment is one that is either permanent or fluctuating and that adversely affects a child's educational performance but that is not included under the definition of deafness.

#### Worth a Look

ISBE had previously used the term cognitive disability over mental retardation. On July 11, 2017, Congress passed Rosa's Law (Public Law 111-256) which amended multiple laws, including the IDEA, by striking 'mental retardation' and replacing the terminology with 'intellectual disability.'

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### **Intellectual Disability**

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Intellectual disability means significantly below average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period that adversely affects a child's educational performance.

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### **Multiple Disabilities**

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Multiple disabilities is a term that means a combination of various impairments that cause such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. Multiple disabilities do not include deaf-blindness.

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### **Orthopedic Impairment**

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An orthopedic impairment means a severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by a congenital anomaly, disease (e.g., poliomyelitis, bone

tuberculosis), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures).

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### **Other Health Impairment**

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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 -

- is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome, and
- adversely affects a child's educational performance.

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### **Specific Learning Disability**

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Specific learning disability means 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 the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

#### **Important Reminder**

Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities; intellectual disability; emotional disability; or environmental, cultural, or economic disadvantage.

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### **Speech or Language Impairment**

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

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### Traumatic Brain Injury

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Traumatic brain injury means 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 a child's educational performance. Traumatic brain injury applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. Traumatic brain injury does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.

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### Visual Impairment

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Visual impairment includes any type of sight problem which, even with glasses or contacts, adversely affects school performance. Children with visual impairments can be further described as partially sighted or blind, based on the degree of visual impairment and their educational needs.

While the above represent the definitions of the fourteen special education categories, school districts may develop criteria for each category. After determining that a student has a disability, the evaluation team **also** determines if the disability adversely affects educational performance, **and** if specialized instruction is required to address the child's deficit areas. Only when the team has identified the disability, the adverse effect, and the need for specialized instruction, will the child be found eligible for special education.