

# Disability Categories

A student is eligible to participate in the Special Education Program from birth to 21 years of age if the student has a visual or auditory impairment that prevents the student from being adequately or safely educated in public school without the provision of special services; or if the student is at least three but not more than 21 years of age and has one or more of the following disabilities that prevents the student from being adequately or safely educated in public school without the provision of special services:

## **Auditory Impairment**

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

## **Autism**

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 autism are engaging in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term autism does not apply if the child's educational performance is adversely affected primarily because the child has an emotional disturbance.

A child who shows the characteristics of autism after age 3 could be diagnosed as having autism if the criteria above are satisfied.

## **Deaf/Blind**

Concomitant [simultaneous] 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.

## **Emotional Disturbance**

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

- (a) An inability to learn that 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.
- (e) A tendency to develop physical symptoms or fears associated with personal or school problems.

The term includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance.

## **Intellectual Disability**

A significantly subaverage general intellectual functioning, existing concurrently [at the same time] with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child's educational performance.

"Intellectual Disability" is a new term in IDEA. Until October 2010, the law used the term "mental retardation." In October 2010, Rosa's Law was signed into law by President Obama. Rosa's Law changed the term to be used in future to "intellectual disability."

## **Learning Disability**

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. The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include learning problems that are primarily the result of visual, hearing, or motor disabilities; of intellectual disability; of emotional disturbance; or of environmental, cultural, or economic disadvantage.

## **Multiple Disabilities**

Concomitant [simultaneous] impairments (such as intellectual disability-blindness, intellectual disability-orthopedic impairment, etc.), the combination of which causes such severe educational needs that they cannot be accommodated in a special education program solely for one of the impairments. The term does not include deaf-blindness.

## **Non-Categorical Early Childhood**

NCEC is for students aged 3-5 who have general delays in their physical, cognitive, communication, social, emotional, or adaptive development; and who, because of these delays, need special education and related services.

It is often difficult to diagnose very young children. With early intervention and appropriate services, children may not need special education by the time they reach first grade. The “Non-Categorical Early Childhood” category allows preschoolers to benefit from special education and related services without being labeled with a specific disability. In Texas, a child between the ages of 3-5 may be described as “NCEC” if he or she has been diagnosed as having one of the following:

- Intellectual Disability,
- Emotional Disturbance,
- Specific Learning Disability, or Autism.

## **Orthopedic Impairment**

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

## **Other Health Impairment**

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—

- (a) 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
- (b) adversely affects a child’s educational performance.

## **Speech Impairment**

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

## **Traumatic Brain Injury**

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. The term 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. The term does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.

## **Visual Impairment including Blindness**

An impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness.

## **Considering the Meaning of “Adversely Affects”**

You may have noticed that the phrase “adversely affects educational performance” appears in most of the disability definitions. This does not mean, however, that a child has to be failing in school to receive special education and related services. According to IDEA, states must make a free appropriate public education available to “any individual child with a disability who needs special education and related services, even if the child has not failed or been retained in a course or grade, and is advancing from grade to grade.”

[§300.101(c)(1)]