

APPENDIX PP-B

DEFINITIONS FOR ELIGIBILITY

According to North Dakota Guide I - Laws, Policies, and Regulations for Special Education for Children with Disabilities a child is eligible for early childhood special education services if he/she has been diagnosed as having a disability in one of 12 recognized categories and requires specially designed instruction. Any preschool child enrolled in an approved program must have a diagnosed disability to a degree constituting a developmental barrier that requires special education to benefit from early childhood experiences. Services are available to children ages three through five. A child becomes eligible for special education services on his/her third birthday.

The categories used in special education as outlined under Part B, §300.7, of the Individuals with Disabilities Act are:

Autism means a developmental disability significantly affecting verbal and non-verbal communication and social interaction, generally evident before age three, that adversely affects educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if a child's educational performance is adversely affected primarily because the child has a serious emotional disturbance, as defined in this section.

Deafness means a hearing impairment which is so severe that the child is

impaired in processing linguistic information through hearing, with or without amplification, that adversely affects educational performance.

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

Hearing impairment means an impairment in hearing, whether permanent or fluctuating, which adversely affects a child's educational performance but which is not included under the definition of "deafness" in this section.

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

[*Multiple disabilities* means concomitant impairments (such as, mental retardation-blindness, mental retardation-orthopedic impairment, etc), the combination of which causes such severe educational problems that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf-blindness. **NOTE:** the category of multiple disabilities is not included in ND Century Code (15-59-01.3) at this time.]

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

Other health impairment means 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.

Emotional disturbance is a term that means:

(i) a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree, that 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;

(E) a tendency to develop physical symptoms or fears associated with personal or school problems.

(ii) 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.

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 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 apply to children who have learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

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

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 education 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 function, information processing, and speech. The term does not apply to brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma.

Visual impairment including blindness means an impairment in vision that, even with correction, adversely affects the educational performance of the child. The term includes both partial sight and blindness.

Young children with disabilities may have an identified primary and/or secondary disability as determined through the assessment process. Refer to the Assessment section of this document.