



1.800.695.0285

(Voice/TTY)

nichcy@fhi360.org

<http://nichcy.org>

Categories of Disability Under IDEA

March 2012

Introduction

Every year, under the federal law known as the Individuals with Disabilities Education Act (IDEA), millions of children with disabilities receive special services designed to meet their unique needs. *Early intervention services* are provided through the state to infants and toddlers with disabilities under three years of age and their families. For school-aged children and youth (aged 3 through 21), *special education and related services* are provided through the school system. These services can be very important in helping children and youth with disabilities develop, learn, and succeed in school and other settings.



Infants and Toddlers, Under Three Years of Age

Under IDEA, "infants and toddlers with disabilities" are defined as individuals under three years of age who need early intervention services because they—

★ are experiencing developmental delays, as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas:

- cognitive development;
- physical development;
- communication development;
- social or emotional development; and
- adaptive development; *or*

★ have a diagnosed physical or mental condition that has a high probability of resulting in developmental delay.

The term may also include, if a state chooses, children under three years of age who would be at risk of experiencing a substantial developmental delay if early intervention services were not provided.

Who is Eligible for Services?

Under IDEA, states are responsible for meeting the special needs of eligible children with disabilities. To find out if a child is eligible for services, he or she must first receive a full and individual initial evaluation. This evaluation is free. Two purposes of the evaluation are:

- to see if the child has a disability, as defined by IDEA; and
- to learn in more detail what special education and related services he or she needs.

Children and Youth Aged 3 Through 21

IDEA lists 13 different disability categories under which 3- through 21-year-olds may be eligible for services. The disability categories listed in IDEA are:

- autism;
- deaf-blindness;
- deafness;
- emotional disturbance;
- hearing impairment;
- intellectual disability;
- multiple disabilities;
- orthopedic impairment;
- other health impairment;
- specific learning disability;
- speech or language impairment;
- traumatic brain injury; or
- visual impairment (including blindness).

IDEA further defines each of these disability terms. We've provided those definitions on pages 3 and 4.



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



Children Aged 3 Through 9

It is important to know that, under IDEA, states and local educational agencies (LEAs) can use the term "developmental delay" with children aged 3 through 9:

★ if they experience developmental delays in one or more of the following areas:

- physical development;
- cognitive development;
- communication development;
- social or emotional development; or
- adaptive development; and

★ who, because of the developmental delays, need special education and related services.

If a state chooses to include developmental delay in its definition of an eligible "child with a disability," it must define precisely what the term means and ensure that its definition is consistent with IDEA's definition. "Developmental delays" must be measured by appropriate diagnostic instruments and procedures. The state also determines whether the term applies to children aged 3 through 9, or to a subset of that age range (for example, ages 3 through 5).

Three more points to note about the term *developmental delay*:

- A state may not require an LEA to adopt and use the term *developmental delay*.
- If an LEA uses the term, the LEA must conform to both the state's definition of the term and to the age range the state has adopted.
- If a state does not adopt the term, an LEA may not independently use the term to establish a child's eligibility under IDEA.

The 13 Disability Categories, Defined

IDEA provides definitions of the 13 disability categories listed above. Federal definitions guide how states define who is eligible for a free appropriate public education under IDEA. The definitions are as follows:

1. Autism...

...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 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, as defined in #4 below.

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

2. Deaf-Blindness...

...means 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.

3. Deafness...

...means 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.

4. Emotional Disturbance...

...means 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.

5. Hearing Impairment...

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

6. Intellectual Disability...

...means 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.



7. Multiple Disabilities...

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

8. Orthopedic Impairment...

...means 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).

9. 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—

(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.

10. 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. 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.



11. 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.

12. 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. 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.

13. Visual Impairment Including Blindness...

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

More About Disabilities

IDEA's definitions of disability terms—combined with comprehensive assessment information on the child—help states, schools, service providers, and parents decide if the child is eligible for early intervention or special education and related services. Beyond these definitions, there is a great deal of information available about specific disabilities, including disabilities not listed in IDEA. NICHCY would be pleased to help you find that information, beginning with:

- our disability fact sheets and other publications on the disabilities listed in IDEA;
- contact information for many organizations that focus their work on a particular disability.

More About Services

Special services are available to eligible children with disabilities and can help children develop and learn. For infants and toddlers under the age of three, early intervention services may be provided through state systems such as the state's health department or education department. If you are a parent and would like to find out more about early intervention in your state, including how to have your child evaluated at no cost to you, try any of these suggestions:

- ask your child's pediatrician to put you in touch with the early intervention system in your community or region;
- contact the pediatrics branch in a local hospital and ask where you should call to find out about early intervention services in your area;
- visit NICHCY's website, where you can identify the contact information for early intervention in your state on our *State Resource Sheets*, under "State Agencies." The state office will refer you to the contact person or agency in your area. Find our state sheets at: <http://nichcy.org/state-organization-search-by-state>

For children and youth ages 3 through 21, *special education and related services* are provided through the public school system. One way to find out about these services is to call your local public school. The school should be able to tell you about special education policies in your area or refer you to a district or county office for this information. You can also contact your state's Parent Training and Information (PTI) center for this information. You'll find the PTI listed on NICHCY's *State Resource Sheet* for your state (look under "Organizations Especially for Parents"). State sheets are available online at: <http://nichcy.org/state-organization-search-by-state>

If you are a parent who thinks your child may need special education and related services, be sure to ask how to have your child evaluated under IDEA for eligibility. Often there are materials available on local and state policies for special education and related services.

There is a lot to know about early intervention, about special education and related services, and about the rights of children with disabilities under IDEA, our nation's special education law. NICHCY offers many publications, all of which are available on our website or by contacting us directly. We can also tell you about materials available from other groups.



More on

"Adversely Affects Educational Performance"

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 must 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)]

Other Sources of Information for Parents

There are many sources of information about services for children with disabilities. Within your community, you may wish to contact:

- the *Child Find coordinator* for your district or county (IDEA requires that states conduct Child Find activities to identify, locate, and evaluate infants, toddlers, children, and youth with disabilities aged birth through 21);
- the *principal* of your child's school; or
- the *special education director* of your child's school district or local school.

Any of these individuals should be able to answer specific questions about how to obtain special education and related services (or early intervention services) for your child.

In addition, every state has a Parent Training and Information (PTI) center, which is an excellent source of information. The PTI can:



- help you learn about early intervention and special education services;
- tell you about IDEA's requirements;
- connect you with disability groups and parent groups in your community or state; and
- much, much more!

To find out how to contact your state's PTI, look at the NICHCY *State Resource Sheet* for your state (available on our website). You'll find the PTI listed there (look under "Organizations Especially for Parents"), as well as many other information resources, such as community parent resource centers, disability-specific organizations, and state agencies serving children with disabilities.

National Dissemination Center for Children with Disabilities

1.800.695.0285 (Voice/TTY)

nichcy@fhi360.org

<http://nichcy.org>



March 2012

This publication is copyright free. Readers are encouraged to copy and share it, but please credit NICHCY, the National Dissemination Center for Children with Disabilities.

We'd like to thank our Project Officer, **Dr. Corinne Weidenthal**, at the Office of Special Education Programs (OSEP) of the U.S. Department of Education, for her support of this publication and of NICHCY itself. A special thanks goes out to the **Office of Policy and Planning**, at OSEP, for their involvement and the fine-tooth-comb review to ensure this document's consistency with the requirements of IDEA 2004. NICHCY is made possible through Cooperative Agreement Number H326N080003 between OSEP and FHI 360. The contents of this document do not necessarily reflect the views or policies of the Department of Education, nor does mention of trade names, commercial products, or organizations imply endorsement by the U.S. Government.

