



## General Information About Disabilities: Disabilities That Qualify Infants, Toddlers, Children, and Youth for Services under the IDEA

### ✧ 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. For infants and toddlers with disabilities birth through two and their families, special services are provided through an *early intervention* system. 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.



✧ 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 from birth through age two who are at risk of having substantial developmental delays if early intervention services are not provided." (34 *Code of Federal Regulations* §303.16)

### ✧ Who is Eligible for Services? ✧

Under the 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 his or her special needs are.

**Infants and Toddlers, Birth Through Two.** Under the IDEA, "infants and toddlers with disabilities" are defined as children "from birth through age two 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, including vision and hearing.
- communication development.
- social or emotional development.
- adaptive development; or

**Children Aged 3 Through 9.** It is important to know that, under IDEA, states and local educational agencies (LEAs) are allowed to use the term "developmental delay" with children aged 3 through 9, rather than one of the disability categories listed at the top of page 2. This means that, if they choose, states and LEAs do not have to say that a child has a specific disability. For children aged 3 through 9, a state and LEA may choose to include as an eligible "child with a disability" a child who is experiencing 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, needs special education and related services.

"Developmental delays" are defined by the state and must be measured by appropriate diagnostic instruments and procedures.

**Children and Youth Aged 3 Through 21.** The IDEA lists 13 different disability categories under which 3-through 21-year-olds may be eligible for services.

For a child to be eligible for services, the disability must affect the child's educational performance. The disability categories listed in IDEA are:



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



Under IDEA, 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 may not be identified as having a disability just because he or she has not had enough instruction in math or reading.

#### ❖ How Does the IDEA Define the 13 Disability Categories? ❖

The IDEA provides definitions of the 13 disability categories listed above. These federal definitions guide how states define who is eligible for a free appropriate public education under IDEA. The definitions of disability terms 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 educational performance. Characteristics often associated with autism are engaging in repetitive activities and stereotyped movements, resistance to changes in daily routines or the environment, 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 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.

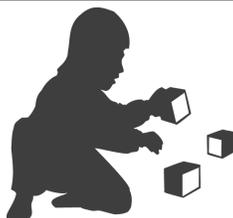
#### 5. Hearing Impairment...

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. Mental Retardation...

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.



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.

## 7. Multiple Disabilities...

means concomitant [simultaneous] impairments (such as mental retardation-blindness, mental retardation-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.

## 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 (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 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, and sickle cell anemia; 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 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

## 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 include brain injuries that are congenital or degenerative, or 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.

### ✧ Finding Out More About Disabilities ✧

IDEA's definitions of disability terms help states, schools, service providers, and parents decide if a 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 do much to help children develop and learn. For infants and toddlers aged birth through two, services are provided through an *early intervention* system. This system may be run by the Health Department in the state, or another department such as Education. If you are a parent and you 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;
- call NICHCY and ask for the contact information for early intervention in your state. The state office will refer you to the contact person or agency in your area.

For children and youth ages 3 through 21, *special education and related services* are provided through the public school system. Probably the best 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. 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 to tell parents and others more about 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 the IDEA, our nation's special education law. NICHCY offers many publications, all of which are available on our Web site or by contacting us directly. We can also tell you about materials available from other groups.

### ✧ 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 what the IDEA requires;
- connect you with disability groups and parent groups in the 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 Web site or by contacting us directly). You'll find the PTI listed there, as well as many other information resources, such as community parent resource centers, disability-specific organizations, and state agencies serving children with disabilities.



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