

Terms and Definitions

Consistent with the Individuals with Disabilities Education Act (2004) and the Rhode Island Board of Regents for Elementary and Secondary Education Regulations Governing the Education of Children with Disabilities (July 2010) the following definitions will be used:

- **Child with a disability** means a child, aged 3 to 21, evaluated as having mental retardation, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance (referred to in this part as —emotional disturbancell), an orthopedic impairment, autism spectrum disorder, traumatic brain injury, another health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services.
- If it is determined, through an appropriate evaluation that a child has one of the disabilities identified, but only needs a related service and not special education, *the child is not a child with a disability*. If the related service required by the child is considered special education rather than a related service under State standards, *the child would be determined to be a child with a disability*.
- A child with a disability, for children aged 3 through 8 (up to the child's ninth birthday), includes a child who shall qualify for special education and related services when the child is experiencing a developmental delay or a disability, as determined by the evaluation process; and who, by reason thereof, needs special education and related services.

A **developmental delay** or disability is defined as a twenty five per cent (25%) delay and/or score equal to or greater than two standard deviations below the mean in one of the following areas of development; or a score equal to or greater than 1.5 standard deviations below the mean in two (2) or more of the following areas: Physical development, cognitive development, communication development, social or emotional development, or adaptive development.

Special Education and Related Services:

Special education means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including—

- Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and
- instruction in physical education.

Special education includes each of the following:

- Speech-language pathology services for students through eight years of age (up to the child's ninth birthday)
- Travel training; and
- Vocational education.

Related services means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. Related services also includes school health services and school nurse services, social work services in schools, and parent counseling and training.

Specially designed instruction means adapting, as appropriate to the needs of an eligible child, the content, methodology, or delivery of instruction—

- (i) To address the unique needs of the child that result from the child's disability; and
- (ii) To ensure access of the child to the general curriculum, so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children.

Accommodations: The provisions made in HOW a student accesses/demonstrates learning. They do not substantially change instructional level or content. Accommodations provide students an equal access to learning and equal opportunity to demonstrate what is known. They are based on individual strengths and needs and may vary in intensity and degree.

Modifications: The changes in WHAT a student is expected to learn and demonstrate. They change the instructional or benchmark and may vary content as well. Modifications affect the number of key concepts mastered within a benchmark or unit of student.

Definitions of disability terms: The terms used in this definition of a child with a disability are defined as follows:

Autism Spectrum Disorder.

(i) *Autism Spectrum Disorder* means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age 3 that adversely affects a child's educational performance. Included in the spectrum are: Autism, Pervasive Developmental Disorder Not Otherwise Specified, Rett's Disorder, Asperger's Disorder and Childhood Disintegrative Disorder. 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 an emotional disturbance as defined herein.

(ii) A child who manifests the characteristics of —autism spectrum disorderll after age 3 could be diagnosed as having —autism spectrum disorderll if the criteria of this section are satisfied.

Deaf-blindness means concomitant 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.

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

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.

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

Hearing impairment means an impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance but that 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 or mental retardation 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.

Orthopedic impairment means a severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by 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 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 —

(i) 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 Tourette syndrome; and

(ii) Adversely affects a child's educational performance.

Specific Learning Disability

(i) *General.* 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, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

(ii) *Disorders not included.* Specific learning disability does not include 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 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 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.

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.