

## Rhode Island Part B Eligibility Criteria

Rhode Island's special education regulations identify specific disabilities that qualify a child for services under The Individuals with Disabilities Education Act (IDEA). The regulations establish 14 categories as a way to classify potentially eligible children. Some categories identify specific disabilities, while others are broader to include children with less specific disabilities.

The determination of whether a child's disability qualifies him/her for special education may require some type of evaluation to assess the individual needs of the child, and how that child's functioning would keep them from accessing the general curriculum.

The RI Board of Regents for elementary and secondary education has defined the following disability categories:

<b><i>Autism Spectrum Disorder</i></b>	A developmental disability significantly affecting verbal and nonverbal communication and social interaction that adversely affects a child's educational performance. Included in the spectrum are: <i>Autism, Pervasive Developmental Disorder Not Otherwise Specified, Rett's Disorder, Asperger's Disorder and Childhood Disintegrative Disorder</i> . 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 (described below)
<b><i>Deaf-Blindness</i></b>	Co-occurring 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 <u>or</u> children with blindness.
<b><i>Deafness</i></b>	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.

<b><i>Emotional Disturbance</i></b>	<p>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:</p> <ul style="list-style-type: none"> <li><b>a.</b> An inability to learn that cannot be explained by intellectual, sensory, or health factors.</li> <li><b>b.</b> An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.</li> <li><b>c.</b> Inappropriate types of behavior or feelings under normal circumstances.</li> <li><b>d.</b> A general pervasive mood of unhappiness or depression.</li> <li><b>e.</b> A tendency to develop physical symptoms or fears associated with personal or school problems.</li> </ul> <p>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 under paragraph (c)(4)(i) of 300.80</p>
<b><i>Hearing Impairment</i></b>	<p>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.</p>
<b><i>Mental Retardation</i></b>	<p>A significantly sub-average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period that adversely affects a child's educational performance.</p> <p>In federal language the word "Mental Retardation" has been replaced with "Intellectual Disability"</p>
<b><i>Multiple Disabilities</i></b>	<p>Co-occurring 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.</p>
<b><i>Orthopedic Impairment</i></b>	<p>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).</p>

<b><i>Other Health Impairment</i></b>	<p>A child 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 —</p> <ul style="list-style-type: none"> <li><b>a.</b> 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</li> <li><b>b.</b> Adversely affects a child’s educational performance.</li> </ul>
<b><i>Specific Learning Disability</i></b>	<p>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.</p>
<b><i>Developmental Delay</i></b>	<p>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</p> <p>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.</p>
<b><i>Speech or Language Impairment</i></b>	<p>A communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child’s educational performance.</p>

<b>Traumatic Brain Injury</b>	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.
<b>Visual Impairment Including Blindness</b>	Impairment in vision that, even with correction, adversely affects a child’s educational performance. The term includes both partial sight and blindness.

If it is determined, through an appropriate evaluation under §§ 300.304 through 300.311, that a child has one of the disabilities, but only needs a related service and not special education, *the child is not a child with a disability under this part of the regulations.*

If, consistent with § 300.39(a)(2), 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.*