

## DISABILITY LAWS

INCLUSION WORKS

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### Federal Disability and Special Education Laws IDEA:

The **Individuals with Disabilities Education Act (IDEA)**, the Individual with Disabilities Education Act, is our nation's special education law. The IDEA guides how states, school districts, and public agencies provide early intervention, special education and related services to more than 6.5 million eligible infants, toddlers, children and IDEA—the Individuals with Disabilities Education Act, is our nation's special education law.

The **IDEA** guides how states, school districts, and public agencies provide early intervention, special education and related services to more than 6.5 million eligible infants, toddlers, children and youth with disabilities. **NCLB—No Child Left Behind Act** The No Child Left Behind (NCLB) Act, Public Law (PL) 107-110, is the nation's latest general education law. It amends the Elementary and Secondary Education Act (ESEA) and has brought sweeping changes to our educational systems.

What does the law require, what does it change about education, how are states responding, and what does the law mean for children with disabilities? Section 504 of the Rehabilitation Act. Before there was IDEA, there was the Rehabilitation Act of 1973, a civil rights law that prohibits discrimination on the basis of disability. Section 504 of this Act continues to play an important role in education, especially for students with disabilities who may not qualify for special education services under IDEA.

**Americans with Disabilities Act** – The ADA Passed by the Congress and signed into law by the President in July 1990, the ADA is the first comprehensive declaration of equality for people with disabilities. the ADA protects the civil rights of people with disabilities in all aspects of employment, in accessing public services such as transportation, and guaranteeing access to public accommodations such as restaurants, stores, hotels and other types of buildings to which the public has access. **Assistive Technology Act** Assistive technology can greatly improve the access and function of people with disabilities in school, work, home, and community.

**The Assistive Technology Act** is intended to ensure that people with disabilities have access to assistive technology devices and services. Disability and Related Terms Defined Source: National Dissemination Center for Children with Disabilities (2013). [www.nichny.org](http://www.nichny.org); IDEA Act. The nation's special education law is called the Individuals with Disabilities Education Act (IDEA). As part of making special education and related services available to children with disabilities in the public schools, IDEA defines the term "child with a disability."

The IDEA's disability terms and definitions guide how States in their own turn define disability and who is eligible for a free appropriate public education under special education law. Note, in order to fully meet the definition (and eligibility for special education and related services) as a "child with a disability," a child's educational performance must be adversely affected due to the disability. **Considering the Meaning of "Adversely Affects"** 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 has to 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)]. Source: National Dissemination Center for Children with Disabilities (2013).

### DISABILITY DEFINED / Summary of Disabilities listed below:

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 #5 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. **Developmental Delay**.....for children from birth to age three (under IDEA Part C) and children from ages three through nine (under IDEA Part B), the term developmental delay, as defined by each State, means a delay in one or more of the following areas: physical development; cognitive development; communication; social or emotional development; or adaptive [behavioral] development.

5. **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.

6. **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."

7. **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. Note: "Intellectual Disability" is a new term in IDEA. Until October 2010, the law used the term "mental retardation." In October 2010, Rosa's Law was signed into law by President Barack Obama. Rosa's Law changed the term to be used in future to "intellectual disability." Source: National Dissemination Center for Children with Disabilities (2013).

8. **Multiple Disabilities**.....means concomitant [simultaneous] impairments (such as intellectual disability-blindness, intellectual disability-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.

9. **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).

10. **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.

11. **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.

12. **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.

13. **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.

14. **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.

Didn't find the disability you were looking for? Look within IDEA's definitions. Alternatively, look up rare disorder. Check the alphabetical list below to see if the disability is listed there.

Many of IDEA's disability categories and definitions explicitly mention a variety of specific disabilities. Perhaps that's the case with the disability in which you are interested. ADD or AD/HD | ADD and AD/HD are mentioned under the definition of "other health impairment" (OHI).

**Amputation** | Amputation is specifically mentioned as part of IDEA's definition of "orthopedic impairment."

**Asthma** | Asthma is mentioned under the definition of "other health impairment."

**Attention-deficit/hyperactivity disorder** | AD/HD is mentioned under the definition of "other health impairment" (OHI).

**Bone tuberculosis** | This disease is specifically mentioned as part of IDEA's definition of "orthopedic impairment."

**Brain injury** | IDEA uses the term "traumatic brain injury" and mentions brain injury within its definition of "specific learning disability."

**Cancer** | Cancer is not mentioned in IDEA, but is often addressed under the disability category of "other health impairment."

**Cerebral palsy** | Cerebral palsy is specifically mentioned in IDEA's definition of "orthopedic impairment."

**Developmental aphasia** | This term is included in IDEA's definition of specific learning disability. Diabetes | Diabetes is mentioned under the definition of "other health impairment."

**Down syndrome** | Down syndrome is most closely associated with the disability category of intellectual disability.

**Dyslexia** | Dyslexia is a type of specific learning disability. Epilepsy | Epilepsy is mentioned under the definition of "other health impairment" (OHI).

**Heart condition** | Heart conditions are mentioned under the definition of "other health impairment" (OHI).

**Hemophilia** | Hemophilia is mentioned under the definition of "other health impairment" (OHI).

**Lead poisoning** | Lead poisoning is mentioned under the definition of "other health impairment" (OHI).

**Learning disability** | IDEA uses the term specific learning disability.

**Leukemia** | Leukemia is mentioned under the definition of "other health impairment" (OHI).

**Mental retardation** | Mental retardation is now referred to as "intellectual disability."

**Nephritis** | Nephritis is mentioned under the definition of "other health impairment" (OHI).

**PDD or PDDNOS** | If you're looking for info on PDD or PDDNOS, these are disorders on the autism spectrum. Pervasive developmental disorder | This is one of the disorders on the autism spectrum.

**Perceptual disability** | This term is included in IDEA's definition of "specific learning disability."

**Poliomyelitis** | Mentioned as part of IDEA's definition of orthopedic impairment. Rett syndrome | This is one of the disorders currently on the autism spectrum.

**Rheumatic fever** | Rheumatic fever is mentioned under the definition of "other health

impairment” (OHI).

**Sickle cell anemia** | Sickle cell anemia is mentioned under the definition of “other health impairment” (OHI).

**Stuttering** | Stuttering is considered a “speech or language impairment.”

**Tourette syndrome** | Tourette syndrome is mentioned under the definition of “other health impairment” (OHI). See Also Rare Disabilities at: NORD, the National Organization for Rare Disorders, at:<http://www.rarediseases.org>

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