***Colorado Rules for the Administration of the Exceptional Children's Educational Act (effective 12/30/07)***

2.08(6) Specific Learning Disability

2.08(6)(a) A child with a specific learning disability shall have a learning disorder that prevents the child from receiving reasonable educational benefit from general education.

2.08(6)(a)(i) 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, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Specific learning disability does not include learning problems that are primarily the result of: visual, hearing, or motor disabilities; significant limited intellectual capacity; significant identifiable emotional disability; cultural factors; environmental or economic disadvantage; or limited English proficiency.

2.08(6)(b) Alternative criteria. A child may be determined to have a Specific Learning

Disability that prevents the child from receiving reasonable educational benefit from general education if the following criteria are met:

2.08(6)(b)(i) Criteria under the discrepancy model. *<The “old” criteria, including aptitude/achievement discrepancy, are reiterated in this section.>*

*Administrative units and state-operated programs may continue to use the criteria set out in this Section 2.08(6)(b)(i) through August 14, 2009.*

2.08 (6)(b)(ii) Criteria under the Response to Intervention model.

2.08 (6)(b)(ii)(A) The child does not achieve adequately for the child’s age or to meet

State-approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the child’s age or state-approved grade-level standards:

2.08 (6)(b)(ii)(A)(I) Oral expression;

2.08 (6)(b)(ii)(A)(II) Listening comprehension;

2.08 (6)(b)(ii)(A)(III) Written expression;

2.08 (6)(b)(ii)(A)(IV) Basic reading skill;

2.08 (6)(b)(ii)(A)(V) Reading fluency skills;

2.08 (6)(b)(ii)(A)(VI) Reading comprehension;

2.08 (6)(b)(ii)(A)(VII) Mathematical calculation;

2.08 (6)(b)(ii)(A)(VIII) Mathematics problem solving; and

2.08 (6)(b)(ii)(B) The child does not make sufficient progress to meet age or state approved grade-level standards in one or more of the areas identified in section 2.08(6)(b)(i) when using a process based on the child’s response to scientific, research-based intervention as determined by a body of evidence demonstrating:

2.08 (6)(b)(ii)(B)(I) Academic skill deficit(s); and

2.08 (6)(b)(ii)(B)(II) Insufficient progress in response to scientific, research-based intervention. The criteria set forth in this Section 2.08(6)(b)(ii) may be used as of the effective date of these Rules <December 30, 2007> but must be used by administrative units and state-operated programs no later than August 15, 2009. No later than August 15, 2008, each administrative unit and state operated program shall submit a plan to the Department describing how the administrative unit or state-operated program will implement the criteria set forth in this Section 2.08(6)(b)(ii) by August 15, 2009.

4.02 (7) Additional procedures for identifying children with Specific Learning Disabilities

The definition and criteria for the Specific Learning Disability category are set forth in section 2.08(6) of these Rules. The additional requirements and procedures for identifying children with Specific Learning Disabilities shall be consistent with 34 CFR §300.307(B), §300.308, §300.309(B) – (C), §300.310 AND

§300.311.

The following text in the shaded boxes is from the sections of the Federal Regulations pertaining to SLD as referred to above in section 4.02(7) of the Colorado Rules as also being applicable.

**Summary of Eligibility Criteria**

Special education eligibility in the category of a Specific Learning Disability is based upon

evidence that the student does not achieve adequately for the student’s age or to meet gradelevel standards in one or more of the following areas: oral expression, listening comprehension, written expression, basic reading skill, reading fluency skills, reading comprehension, mathematical calculation, mathematics problem solving.

Specifically, the multidisciplinary team must determine that …

1) the student has one or more significant academic skill deficits as compared to age‐level peers or grade‐level benchmarks.

2) the student is making insufficient progress in response to research/evidence‐based interventions.

3) the student’s learning difficulties are not PRIMARILY\* the result of visual, hearing, or motor disabilities; significant limited intellectual capacity; significant identifiable emotional disability; cultural factors; environmental or economic disadvantage; or limited English proficiency.

In addition, as is stated in the Federal Rules and Regulations and pertaining to the identification of any disability, the findings can not be the result of a lack of appropriate instruction, specifically in the essential components of reading and in math.

Eligibility for special education is based on two final determinations:

1) the student has a Specific Learning Disability and

2) the student cannot receive reasonable educational benefit from general education alone

\* Note that a specific learning disability may co‐exist with another disability that is found to be the primary disability by the multidisciplinary team and that all special education needs must be identified, whether or not commonly linked to the primary disability category in which the child has been classified

**Criteria for the Determination of SLD**

1) The child does not achieve adequately for the child’s age or to meet State‐approved grade level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the child’s age or state‐approved grade‐level standards

**AND**

2) The child does not make sufficient progress to meet age or state‐approved grade‐level standards in the area(s) identified when using a process based on the child’s response to scientific, research‐based intervention.

In one or more of the following areas:

Areas of SLD (See Section 5 for descriptions of each area.):

‐ Oral Expression

‐ Listening Comprehension

‐ Written Expression

‐ Basic Reading Skill

‐ Reading Fluency Skills

‐ Reading Comprehension

‐ Mathematical Calculation

‐ Mathematical Problem Solving

In accordance with the two criteria stated above, Colorado ECEA Rules require a body of evidence demonstrating academic skill deficit(s) and insufficient progress when using a process based on the child’s response to scientific, research‐based intervention in one or more areas of specific learning disabilities.

When considering the student results that rely on a student’s response to scientific, research based intervention, the multidisciplinary team needs to be able to ensure that:

(1) there was a research/evidence base for the interventions implemented; and

(2) the interventions were implemented with fidelity, i.e., implemented as intended or prescribed with attention to the what, how, and intensity of instruction.

**Documentation Requirements, continued:**

􀂃 Documentation that the team has considered the “exclusionary” factors and made the determination that the findings of learning difficulties are not primarily due to any of the factors. (Specific documentation should be provided for any relevant factors.)

􀂃 The team considered and documented that the eligibility is not due to a lack of appropriate instruction in reading, including the essential components of reading instruction, delivered by qualified personnel.

􀂃 The team considered and documented that the eligibility is not due to a lack o appropriate instruction in math, delivered by qualified personnel.

AND, documentation of the team’s final determination that:

􀂃 The student has a Specific Learning Disability as defined in the Colorado Rules for the

Administration of the Exceptional Children’s Educational Act, and

􀂃 The student cannot receive reasonable educational benefit from general education alone (needs specialized instruction and related services).

*Further specifics of can be found within the “Guidelines for Identifying Students with*

*Specific Learning Disabilities” created by the Colorado department of Ediucation.*

**San Luis Valley BOCES Criteria for Identification for Specific Learning Disability**

To receive special education or related services for a Specific Learning Disability in the academic area(s) of: Reading Fluency, Reading Comprehension, Math Calculation, Math Reasoning, and/or Written Language, a student **must** meet all of the BOCES adopted eligibility criteria below. Each section must be verified and the box checked.

* 1. Significant underachievement will be observed in the student’s level of academic functioning compared to grade-level expectations on appropriate curriculum based measurement (CBM) assessments. Dual Discrepancy must be denoted by having a significant difference in both the student’s CBM scores AND growth (slope) measured against those of grade level students.
	+ This will be demonstrated by skills in the bottom 10%ile compared with grade-level peers on both national norms and local school norms (when available) on a Survey Level Assessment in the appropriate academic measure(s) using *CBM*; and
	+ The slope or Rate of Improvement (ROI) on CBM should be less than the expected rate of improvement for a student at the 50%ile in the grade in which the student is being progress monitored.
* 2. The student will also show scores at or below the 10th%ile on at least one additional district

level assessment that measures Colorado State Standards, such as the Dibels, Bear,
NWEA, etc.

* 3. Standards-based achievement results are both below the average range and support the Dual Discrepancy in the area(s) of concern. Relevant scores on CSAP (when available) must be in the bottom four twelfths (a Proficiency Score of Unsatisfactory or the bottom third/Low end of Partially Proficient range).
* 4. The student has been provided an evidence-based core curriculum in general education as well as at least two appropriate evidence-based interventions in the areas of concern of at least 8 to 10 weeks and which were provided with sufficient intensity and fidelity by qualified personnel in regular education settings. The second intervention must be done by the special education teacher after the permission to evaluate is signed.
* 5. Learning difficulties are not the result of lack of appropriate instruction in reading, lack of appropriate instruction in math, limited English proficiency, visual, hearing, or motor disability, mental retardation, emotional disturbance, cultural factors, or environmental or economic disadvantage.
* 6. Student demonstrates a need for intense and frequent specialized instruction.

\*\* Eligibility decisions will require Survey Level Assessments using CBM in the areas of literacy, written expression and math. Interventions will be implemented, documented and progress monitored using CBM for all academic areas that are significantly discrepant and subsequently identified as an area of learning disability.

Colorado Eligibility Criteria approved for use beginning May 1, 2013/Must be in use by July 1, 2016

At the next re-evaluation, the following eligibility criteria will be utilized. For Initial evaluations, the following eligibility criteria will be utilized.

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| **Eligibility Categories and Criteria that must implemented by July 1, 2016** |
| **Autism Spectrum Disorder:**2.08 (1) A child with an Autism Spectrum Disorder (ASD) is a child with a developmental disability significantly affecting verbal and non-verbal social communication and social interaction, generally evidenced by the age of three. Other characteristics often associated with ASD are engagement in repetitive activities and stereotyped movements, resistance to environmental changes or changes in daily routines, and unusual responses to sensory experiences.2.08 (1) (a) The Autism Spectrum Disorder prevents the child from receiving reasonable educational benefit from general education as evidenced by at least one characteristic in each of the following three areas (i.e., subsections (a)(i) through (a)(iii), below):2.08 (1) (a) (i) The child displays significant difficulties or differences or both in interacting with or understanding people and events. Examples of qualifying characteristics include, but are not limited to: significant difficulty establishing and maintaining social-emotional reciprocal relationships, including a lack of typical back and forth social conversation; and/or significant deficits in understanding and using nonverbal communication including eye contact, facial expression and gestures); and2.08 (1) (a) (ii) The child displays significant difficulties or differences which extend beyond speech and language to other aspects of social communication, both receptively and expressively. Examples of qualifying characteristics include, but are not limited to: an absence of verbal language or, if verbal language is present, typical integrated use of eye contact and body language is lacking; and/or significant difficulty sharing, engaging in imaginative play and developing and maintaining friendships; and2.08 (1) (a) (iii) The child seeks consistency in environmental events to the point of exhibiting significant rigidity in routines and displays marked distress over changes in the routine, and/or has a significantly persistent preoccupation with or attachment to objects or topics.2.08 (1) (b) The following characteristics may be present in a child with ASD, but shall not be the sole basis for determining that a child is an eligible child with ASD if the child does not also meet the eligibility criteria set out in subsection (a) of this rule, above.2.08(1)(b)(i) The child exhibits delays or regressions in motor, sensory, social or learning skills.2.08 (1) (b) (ii) The child exhibits precocious or advanced skill development, while other skills may develop at or below typical developmental rates.2.08 (1) (b) (iii) The child exhibits atypicality in thinking processes and in generalization. The child exhibits strengths in concrete thinking while difficulties are demonstrated in abstract thinking, awareness and judgment. Perseverative thinking and impaired ability to process symbolic information is present.2.08 (1) (b) (iv) The child exhibits unusual, inconsistent, repetitive or unconventional responses to sounds, sights, smells, tastes, touch or movement.2.08 (1) (b) (v) The child’s capacity to use objects in an age appropriate or functional manner is absent or delayed. The child has difficulty displaying a range of interests or imaginative activities or both.2.08 (1) (b) (vi) The child exhibits stereotypical motor movements, which include repetitive use of objects and/or vocalizations, echolalia, rocking, pacing or spinning self or objects.**Date of AU adoption: May 1, 2013** |
| **Hearing Impairment including Deafness:**2.08 (2) A child with Hearing Impairment, Including Deafness shall have a deficiency in hearing sensitivity as demonstrated by an elevated threshold of auditory sensitivity to pure tones or speech where, even with the help of amplification, the child is prevented from receiving reasonable educational benefit from general education.2.08 (2) (a) A "deficiency in hearing sensitivity" shall be one of the following as measured by behavioral or electrophysiological audiological assessments:2.08 (2) (a) (i) Three frequency, pure tone average hearing loss in the speech range (500 – 4000 Hertz {Hz}) of at least 20 decibels Hearing Level (dBHL) in the better ear which is not reversible.2.08 (2) (a) (ii) A high frequency, pure tone average hearing loss of at least 35 dBHL in the better ear for two or more of the following frequencies: 2000, 3000, 4000 or 6000 Hz.2.08 (2) (a) (iii) A three frequency, pure tone average unilateral hearing loss in the speech range (500 – 4000Hz) of at least 35 dBHL which is not reversible.2.08 (2) (a) (iv) A transient hearing loss, meeting one of the criteria in (a)(i) – (a)(iii) above, that is exhibited for three (3) months cumulatively during a calendar year (i.e., any three months during the calendar year) and that typically is caused by non-permanent medical conditions such as otitis media or other ear problems.2.08 (2) (b) The Hearing Impairment, including Deafness, as described above, prevents the child from receiving reasonable educational benefit from general education as evidenced by one or more of the following:2.08 (2) (b) (i) Delay in auditory skills and/or functional auditory performance including speech perception scores (in quiet or noise), which demonstrates the need for specialized instruction in auditory skill development or assistive technology use;2.08 (2) (b) (ii) Receptive and/or expressive language (spoken or signed) delay including a delay in syntax, pragmatics, semantics, or if there is a significant discrepancy between the receptive and expressive language scores and/or function which adversely impacts communication and learning;2.08 (2) (b) (iii) An impairment of speech articulation, voice and/or fluency;2.08 (2) (b) (iv) Lack of adequate academic achievement and/or sufficient progress to meet age or state-approved grade-level standards in reading, writing, and/or math;2.08 (2) (b) (v) Inconsistent performance in social and learning environments compared to typically developing peers; and/or2.08 (2) (b) (vi) Inability to demonstrate self advocacy skills or utilize specialized technology/resources to access instruction.**Date of AU adoption: May 1, 2013** |
| **Serious Emotional Disability**2.08 (3) A child with a Serious Emotional Disability shall have emotional or social functioning which prevents the child from receiving reasonable educational benefit from general education.2.08 (3) (a) Serious Emotional Disability means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree:2.08 (3) (a) (i) An inability to learn which is not primarily the result of intellectual, sensory or other health factors;2.08 (3) (a) (ii) An inability to build or maintain interpersonal relationships which significantly interferes with the child’s social development;2.08 (3) (a) (iii) Inappropriate types of behavior or feelings under normal circumstances;2.08 (3) (a) (iv) A general pervasive mood of unhappiness or depression; and/or2.08 (3) (a) (v) A tendency to develop physical symptoms or fears associated with personal or school problems.2.08 (3) (b) As a result of the child’s Serious Emotional Disability, as described above, the child exhibits one of the following characteristics:2.08 (3) (b) (i) Impairment in academic functioning as demonstrated by an inability to receive reasonable educational benefit from general education which is not primarily the result of intellectual, sensory, or other health factors, but due to the identified serious emotional disability.2.08 (3) (b) (ii) Impairment in social/emotional functioning as demonstrated by an inability to build or maintain interpersonal relationships which significantly interferes with the child’s social development. Social development involves those adaptive behaviors and social skills which enable a child to meet environmental demands and assume responsibility for his or her own welfare. 2.08 (3) (c) In order to qualify as a child with a Serious Emotional Disability, all four of the following qualifiers shall be documented:2.08 (3) (c) (i) A variety of instructional and/or behavioral interventions were implemented within general education and the child remains unable to receive reasonable educational benefit from general education.2.08 (3) (c) (ii) Indicators of social/emotional dysfunction exist to a marked degree; that is, at a rate and intensity above the child's peers and outside of his or her cultural norms and the range of normal development expectations.2.08 (3) (c) (iii) Indicators of social/emotional dysfunction are pervasive, and are observable in at least two different settings within the child's environment. For children who are attending school, one of the environments shall be school.2.08 (3) (c) (iv) Indicators of social/emotional dysfunction have existed over a period of time and are not isolated incidents or transient, situational responses to stressors in the child's environment.2.08 (3) (d) The term “Serious Emotional Disability” does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disability under paragraph (3)(a) of this section 2.08.**Date of AU adoption: May 1, 2013** |
| **Intellectual Disability:**2.08 (4) A child with an Intellectual Disability shall have reduced general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which prevents the child from receiving reasonable educational benefit from general education.2.08 (4) (a) Criteria for Intellectual disability preventing the child from receiving reasonable educational benefit from regular education shall include:2.08 (4) (a) (i) A full scale score of 2.0 or more standard deviations below the mean on individually administered measures of cognition.2.08 (4) (a) (ii) A comprehensive adaptive skills assessment based on a body of evidence that reflects the child’s social, linguistic, and cultural background. The level of independent adaptive behavior is significantly below the culturally imposed expectations of personal and social responsibility. This body of evidence shall include results from each of the following:2.08 (4) (a) (ii) (A) A full scale score of 2.0 or more standard deviations below the mean on a standard or nationally normed assessment of adaptive behavior;2.08 (4) (a) (ii) (B) Interview of parents; and2.08 (4) (a) (ii) (C) Observations of the child’s adaptive behavior that must occur in more than one educational setting. A discrepancy must occur in two or more domains related to adaptive behavior in more than one educational setting.2.08 (4) (b) A deficiency in academic achievement, either as indicated by scores 2.0 or more standard deviations below the mean in formal measures of language, reading and math, or a body of evidence on informal measures when it is determined that reliable and valid assessment results are not possible due to the student’s functioning level.**Date of AU adoption: May 1, 2013** |
| **Multiple Disabilities:**2.08 (5) A child with Multiple Disabilities shall have two or more areas of significant impairment, one of which shall be an intellectual disability. The other areas of impairment include: Orthopedic Impairment; Visual Impairment, Including Blindness; Hearing Impairment, Including Deafness; Speech or Language Impairment; Serious Emotional Disability; Autism Spectrum Disorders; Traumatic Brain Injury; or Other Health Impaired. The combination of such impairments creates a unique condition that is evidenced through a multiplicity of severe educational needs which prevent the child from receiving reasonable educational benefit from general education.2.08 (5) (a) In order to be eligible as a child with multiple disabilities, the child must satisfy all eligibility criteria for each individual disability, as described in these Rules. Documentation for each identified eligibility category must be included.2.08 (5) (b) The Multiple Disabilities, as described in section 2.08(5) above, prevents the child from receiving reasonable educational benefit from general education such that the child exhibits two or more of the following:2.08 (5) (b) (i) Inability to comprehend and utilize instructional information.2.08 (5) (b) (ii) Inability to communicate efficiently and effectively.2.08 (5) (b) (iii) Inability to demonstrate problem solving skills when such information is presented in a traditional academic curriculum.2.08 (5) (b) (iv) Inability to generalize skills consistently.**Date of AU adoption: May 1, 2013** |
| **Orthopedic Impairment:**2.08 (6) A child with an Orthopedic Impairment has a severe neurological/muscular/skeletal abnormality that impedes mobility, which prevents the child from receiving reasonable educational benefit from general education.2.08 (6) (a) Orthopedic Impairment may be a result of a congenital anomaly (e.g. spina bifida, osteogenesis imperfecta, clubfoot); effects of a disease (e.g. bone tumor, muscular dystrophy, juvenile arthritis); or from other causes (e.g. cerebral palsy, amputations, trauma, and/or fractures or burns that cause contractures).2.08 (6) (b) The Orthopedic Impairment, as described above, prevents the child from receiving reasonable educational benefit from general education because the disabling condition interferes with functions of daily living, including but not limited to, ambulation, attention, hand movements, coordination, communication, self-help skills and other activities of daily living, to such a degree that the child requires specialized instruction and related services, which may include special equipment.**Date of AU adoption: May 1, 2013** |
| **Other Health Impaired:**2.08 (7) Other Health Impaired (OHI) 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 due to a chronic or acute health problem, including but not limited to asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, leukemia, kidney disease, sickle cell anemia or Tourette syndrome. As a result of the child’s Other Health Impairment, as described above, the child is prevented from receiving reasonable educational benefit from general education, as evidenced by one or more of the following:2.08 (7) (a) Limited strength as indicated by an inability to perform typical tasks at school;2.08 (7) (b) Limited vitality as indicated by an inability to sustain effort or to endure throughout an activity; and/or2.08 (7) (c) Limited alertness as indicated by an inability to manage and maintain attention, to organize or attend, to prioritize environmental stimuli, including heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment.**Date of AU adoption: May 1, 2013** |
| **Specific Learning Disability:**2.08 (8) A child with a Specific Learning Disability shall have a learning disorder that prevents the child from receiving reasonable educational benefit from general education.2.08 (8) (a) 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, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Specific Learning Disability does not include learning problems that are primarily the result of: visual impairment, including blindness; hearing impairment, including deafness; orthopedic impairment; intellectual disability; serious emotional disability; cultural factors; environmental or economic disadvantage; or limited English proficiency.2.08 (8) (b) A child may be determined to have a Specific Learning Disability that prevents the child from receiving reasonable educational benefit from general education if a body of evidence demonstrates the following criteria are met:2.08 (8) (b) (i) The child does not achieve adequately for the child’s age or to meet state-approved grade-level standards and exhibits significant academic skill deficit(s) in one or more of the following areas, when provided with learning experiences and instruction appropriate for the child’s age or state-approved grade-level standards:2.08 (8) (b) (i) (A) Oral expression;2.08 (8) (b) (i) (B) Listening comprehension;2.08 (8) (b) (i) (C) Written expression;2.08 (8) (b) (i) (D) Basic reading skill;2.08 (8) (b) (i) (E) Reading fluency skills;2.08 (8) (b) (i) (F) Reading comprehension;2.08 (8) (b) (i) (G) Mathematical calculation;2.08 (8) (b) (i) (H) Mathematics problem solving; and2.08 (8) (b) (ii) The child does not make sufficient progress to meet age or state-approved grade-level standards in one or more of the areas identified in Section 2.08(6)(b)(i) when using a process based on the child’s response to scientific, research-based intervention. **Date of AU adoption: May 1, 2013** |
| **Speech or Language Impairment:**2.08 (9) A child with a Speech or Language Impairment shall have a communicative disorder which prevents the child from receiving reasonable educational benefit from general education.2.08 (9) (a) Speech or Language Impairment may be classified under the headings of articulation, fluency, voice, functional communication or delayed language development and shall mean a dysfunction in one or more of the following:2.08 (9) (a) (i) Receptive and expressive language (oral and written) difficulties, including syntax (word order, word form, developmental level), semantics (vocabulary, concepts and word finding), and pragmatics (purposes and uses of language);2.08(9)(a)(ii) Auditory processing, including sensation (acuity), perception (discrimination, sequencing, analysis and synthesis), association and auditory attention;2.08 (9) (a) (iii) Deficiency of structure and function of oral peripheral mechanism;2.08 (9) (a) (iv) Articulation including substitutions, omissions, distortions or additions of sound;2.08 (9) (a) (v) Voice, including deviation of respiration, phonation (pitch, intensity, quality), and/or resonance;2.08 (9) (a) (vi) Fluency, including hesitant speech, stuttering, cluttering and related disorders; and/or2.08 (9) (a) (vii) Problems in auditory perception such as discrimination and memory.2.08 (9) (b) The Speech or Language Impairment, as set out above, prevents the child from receiving reasonable educational benefit from general education and shall include one or more of the following:2.08 (9) (b) (i) Interference with oral and/or written communication in academic and social interactions in his/her primary language;2.08 (9) (b) (ii) Demonstration of undesirable or inappropriate behavior as a result of limited communication skills; and/or2.08 (9) (b) (iii) The inability to communicate without the use of assistive, augmentative/alternative communication devices or systems.**Date of AU adoption: May 1, 2013** |
| **Traumatic Brain Injury:**2.08 (10) A child with a Traumatic Brain Injury (TBI) is a child with an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment, or both, which impairment adversely affects the child’s ability to receive reasonable educational benefit from general education. A qualifying Traumatic Brain Injury is an open or closed head injury 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 “traumatic brain injury” under this rule does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.2.08 (10) (a) To be eligible as a child with a Traumatic Brain Injury, there must be evidence of the following criteria:2.08 (10) (a) (i) Either medical documentation of a traumatic brain injury, or a significant history of one or more traumatic brain injuries reported by a reliable and credible source and/or corroborated by numerous reporters; and2.08 (10) (a) (ii) The child displays educational impact most probably and plausibly related to the traumatic brain injury.2.08 (10) (b) Additionally, to be eligible as a child with a Traumatic Brain Injury, the traumatic brain injury prevents the child from receiving reasonable educational benefit from general education as evidenced by one or more of the following:2.08 (10) (b) (i) A limited ability to sustain attention and/or poor memory skills, including but not limited to difficulty retaining short-term memory, long-term memory, working memory and incidental memory;2.08 (10) (b) (ii) An inefficiency in processing, including but not limited to a processing speed deficit and/or mental fatigue;2.08 (10) (b) (iii) Deficits in sensory-motor skills that affect either one, or both, visual or auditory processing, and may include gross motor and/or fine motor deficits;2.08 (10) (b) (iv) Delays in acquisition of information including new learning and visual-spatial processing;2.08 (10) (b) (v) Difficulty with language skills, including but not limited to receptive language, expressive language and social pragmatics;2.08 (10) (b) (vi) Deficits in behavior regulation, including but not limited to impulsivity, poor judgment, ineffective reasoning and mental inflexibility;2.08 (10) (b) (vii) Problems in cognitive executive functioning, including but not limited to difficulty with planning, organization and/or initiation of thinking and working skills;2.08 (10) (b) (viii) Delays in adaptive living skills, including but not limited to difficulty with activities of daily living (ADL); and/or2.08 (10) (b) (ix) Delays in academic skills, including but not limited to reading, writing, and math delays that cannot be explained by any other disability. They may also demonstrate an extremely uneven pattern in cognitive and achievement testing, work production and academic growth.**Date of AU adoption: May 1, 2013** |
| **Visual Impairment including Blindness:**2.08 (11) A child with a Visual Impairment, Including Blindness shall have a deficiency in visual acuity and/or visual field and/or visual functioning where, even with the use of lenses or corrective devices, he/she is prevented from receiving reasonable educational benefit from general education.2.08 (11) (a) A determination that a child is an eligible child with a Visual Impairment, Including Blindness shall be based upon one or more of the following:2.08 (11) (a) (i) Visual acuity of no better than 20/70 in the better eye after correction;2.08 (11) (a) (ii) Visual field restriction to 20 degrees or less; and/or2.08 (11) (a) (iii) A physical condition of visual system which cannot be medically corrected and, as such, affects visual functioning to the extent that specially designed instruction is needed. These criteria are reserved for special situations such as, but not restricted to cortical visual impairment and/or a progressive visual loss where field and/or acuity deficits alone may not meet the aforementioned criteria.2.08 (11) (b) As a result of the Visual Impairment, Including Blindness, as set out above, the child requires specialized instruction, which may include special aids, materials, and equipment, for learning, literacy, activities of daily living, social interaction, self advocacy, and, as needed, orientation and mobility.2.08 (11) (c) The term “Visual Impairment, Including Blindness” does not include children who have learning problems which are primarily the result of visual perceptual and/or visual motor difficulties.**Date of AU adoption: May 1, 2013** |
| **Deaf-Blindness**2.08 (12) A child with Deaf-blindness has 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. A child may qualify as an eligible child with Deaf-blindness by meeting one of the following criteria:2.08 (12) (a) The child shall have a deficiency in hearing sensitivity as demonstrated by an elevated threshold of auditory sensitivity to pure tones or speech, as specified in section 2.08(2)(a) and (b); and a deficiency in visual acuity and/or visual field and/or visual functioning, as specified in section 2.08(11)(a) and (b), where, even with the help of amplification and/or use of lenses or corrective devices, he/she is prevented from receiving reasonable educational benefit from general education; or2.08 (12) (b) The child has documented hearing and/or visual impairment that, if considered individually per section 2.08(2)(a) and (b) and section 2.08 (11)(a) and (b), may not meet the requirements for Hearing Impairment, Including Deafness or Visual Impairment, Including Blindness, but the combination of such losses adversely affect the student’s educational performance; or2.08 (12) (c) The child has a documented medical diagnosis of a progressive medical condition that will result in concomitant hearing and visual losses.**Date of AU adoption: May 1, 2013** |
| **Developmental Delay**2.08 (13) A child with a Developmental Delay shall be three through eight years of age and 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 as a result is unable to receive reasonable educational benefit from general education and requires special education and related services.2.08 (13) (a) For children ages three through eight efforts will be made to identify a child’s primary disability under one of the other Part B eligibility criteria. A child shall be determined to be eligible under the Developmental Delay category only in those situations in which a clear determination cannot be made under any other category as measured by developmentally appropriate diagnostic instruments and procedures. In order for a child to be deemed a child with a Developmental Delay, multiple sources of information must be used to determine if a child meets one or more of the following criteria:2.08 (13) (a) (i) A score in the seventh percentile or below on a valid standardized diagnostic instrument, or the technical equivalent in standard scores (77 if the mean is 100 and the standard deviation is 15) or standard deviations (1.5 standard deviations below the mean) in one or more of the following areas of development: physical development, cognitive development, communication development, social or emotional development, or adaptive development as one of the multiple sources of evaluation information;2.08 (13) (a) (ii) Empirical data showing a condition known to be associated with significant delays in development; or2.08 (13) (a) (iii) A body of evidence indicating that patterns of learning are significantly different from age expectations across settings and there is written documentation by the evaluation team which includes the parent(s).**Date of AU adoption: May 1, 2013** |
| **Infant/Toddler with a Disability**2.08 (14) An Infant/Toddler with a Disability shall be a child from birth through two years of age meeting the definition and criteria described in 2 CCR 503-1, 16.920 D.***Please note:*** * *The LEA’s responsibility per SB 07-255 is to screen and/or evaluate children being referred for Early Intervention (Part C) services in order to determine if the child has a significant developmental delay as defined in 2 CCR 503-1, 16.920 D as noted above*
* *LEAs do NOT determine eligibility for infants and toddlers who have been referred for Early Intervention (Part C) services*
* *Community Centered Boards are responsible for making the determination of eligibility for Early Intervention services based in part by the information gathered through the evaluation of the LEA*
* *The CDE does not have an Infant or Toddler with a Disability eligibility definition.*
* *Children being evaluated prior to age three for Part B preschool special education services should be determined eligible based on one of CDE’s eligibility categories*
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