



NASET's Inclusion Series

Exceptional Students

INTRODUCTION

Exceptional Students: When we speak about exceptional students we are talking about 3 categories of students:

- Students classified under the Individuals with Disabilities Act 2004 who receive special education because of a significant disability
- Students classified under Section 504 of the Vocational Rehabilitation Act (herein called Section 504) which provides services to students with a documented disability who may not be severely impaired enough for special education but could benefit from modifications and accommodations
- Students with Special Educational Needs: Students at risk or who have exceptional skills that are not included under special education

Students classified under the Individuals with Disabilities Act 2004 who receive special education because of a significant disability

The nation's special education law is called the Individuals with Disabilities Education Act, or 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." That definition includes specific disability terms, which are also defined by IDEA.

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. The definitions of these specific disability terms from the IDEA regulations are shown beneath each term listed below. Note, 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.

The categories included under IDEA include:

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.

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.

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.

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.

Emotional Disturbance...

...means a condition exhibiting one or more of the following characteristics over a long period 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.

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."

Intellectual Disability...

...means significantly sub average 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.

(Editor's Note, February 2011: "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 Obama. Rosa's Law changed the term to be used in future to "intellectual disability." The definition of the term itself did not change and is what has just been shown above.

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.

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).

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.

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 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.

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.

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.

Students classified under IDEA are entitled to a special education program and other services we will talk about later. These students are guaranteed these services by law regardless of a district's financial situation at no cost to the parent(s).

Students classified under Section 504 which provides services to students with a documented disability who may not be severely impaired enough for special education but could benefit from modifications and accommodations

Section 504 provides individuals with disabilities with basic civil rights protection against discrimination in federal programs. The law states that

no otherwise qualified handicapped individual in the United States shall, solely because of his (or her) handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

To be eligible for the protection under Section 504, an individual must meet the definition of a handicapped person. This definition is:

Any person who (i) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment.

Major life activities include, but are not limited to, self-care, performing manual tasks, seeing, hearing, speaking, breathing, learning, and walking. Section 504 covers only those persons with a disability who would otherwise be qualified to participate and benefit from the programs or other activities receiving federal financial assistance. All ESE students fall under Section 504 and necessary accommodations are specified in the IEP.

Section 504 assures equal opportunities for children and youth with disabilities in schools receiving federal funds-pre-schools, elementary and secondary schools, and postsecondary institutions. Agencies that persist in acts of discrimination face the loss of federal funds. Along with school districts, this includes colleges and universities, vocational education and adult education programs, state and local governments, places of employment, hospitals and clinics, and public and private groups of all kinds which receive federal financial assistance.

Thus, students classified under 504 usually are provided modifications and/or accommodations but are usually not provided with a special education setting i.e. resource room, residential placement.

Students with Special Educational Needs: Students at risk or who have exceptional skills that are not included under special education

A high-risk student is usually a student that is experiencing possibly severe emotional, social, environmental or academic stress i.e. slow learners, bi-lingual students. Also, included in this category are gifted students.