



# Special Education Disability Categories

## PART B - CHILDREN AGES 3-21

Not every child with a disability needs special education and related services. In order to be eligible for special education, the special education evaluation team must have determined the child has an educational disability, and that disability must adversely affect their performance in the classroom. Also, because of that disability, your child must need special education, which may include related services such as speech and language therapy, physical therapy, etc.

If your child's Multidisciplinary Team (MDT) determines they are eligible for special education, your child will be verified in one or more of the disability categories listed in Rule 51. Rule 51 is a document that describes the regulations and standards that outline special education programs in Nebraska.

### *Disability Categories:*

- 1. Autism** - a developmental disability significantly affecting verbal and nonverbal communication and social interaction. 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. Autism is generally evident before age three, but a child could be verified with autism after age 3 if the above criteria are met. Autism does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance.
- 2. Deaf-blindness** - hearing and visual impairments occurring at the same time, 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. Developmental Delay** - verification category for a child ages 3-8 with a significant delay. The developmental delay must be measured by appropriate diagnostic instruments and procedures. The delay must occur in one or more of the following areas, resulting in the need for special education and related services:
  - a. Cognitive development
  - b. Physical development
  - c. Communication development
  - d. Social or emotional development
  - e. Adaptive behavior or skills development
  - f. A diagnosed physical or mental condition that has a high probability of resulting in a substantial delay in function in one or more of such areas

**4. Emotional disturbance** - 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, or
- e. A tendency to develop physical symptoms or fears associated with personal or school problems.

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.

**5. Hearing impairment** - impairment in hearing 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. The hearing impairment may be permanent or fluctuating.

Note: This term combines the state definition of "deaf" contained in Neb. Rev. Stat. §79-1118.01(4), the state definition of "hard of hearing" in Neb. Rev. Stat. §79-1118.01(7), the federal definition of "deafness" in 34 CFR 300.8(c)(3), and the federal definition of "hearing impairment" in 34 CFR 300.8(c)(5).

**6. Intellectual disability** - 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. The term "intellectual disability" was formerly termed "mental retardation."

**7. Multiple disabilities** - several impairments occurring at the same time, such as intellectual disability-visual impairment or intellectual disability-orthopedic impairment. The combination of these impairments causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. Multiple disabilities does not include deaf-blindness.

**8. Orthopedic impairment** - 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).

**9. Other health impairment** - 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 is due to chronic or acute health problems which adversely affects the child's educational performance such as:

- a. Asthma
- b. Attention deficit disorder or attention deficit hyperactivity disorder
- c. Diabetes
- d. Epilepsy
- e. Heart condition
- f. Hemophilia
- g. Lead poisoning
- h. Leukemia
- i. Nephritis
- j. Rheumatic fever
- k. Sickle cell anemia
- l. Tourette syndrome

- 10. Specific learning disability** - 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, of intellectual disability, of emotional disturbance, cultural factors, environmental or economic disadvantage, or limited English proficiency.
- 11. Speech-Language Impairment** - a communication disorder that adversely affects a child's educational performance such as stuttering, impaired articulation, a language impairment, or a voice impairment.
- 12. Traumatic Brain Injury** - 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 does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma. Traumatic brain injury applies to open or closed head injuries resulting in impairments in one or more areas, such as:
- a. Cognition
  - b. Language
  - c. Memory
  - d. Attention
  - e. Reasoning
  - f. Abstract thinking
  - g. Judgment
  - h. Problem-solving
  - i. Sensory, perceptual, and motor abilities
  - j. Psychosocial behavior
  - k. Physical functions
  - l. Information processing
  - m. Speech.
- 13. Visual Impairment including Blindness** - an impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness.

For more information about disability categories, contact your child's special education teacher, a PTI Nebraska parent/professional at (800) 284-8520 and [pti-nebraska.org](https://pti-nebraska.org), or the Nebraska Department of Education at (402) 471-2471 and [education.ne.gov/sped/](https://education.ne.gov/sped/).

The Individuals with Disabilities Education Act (IDEA) is a law that makes available a free appropriate public education to eligible children with disabilities throughout the nation and ensures special education and related services to those children. See <https://sites.ed.gov/idea/> for more information on IDEA.

Rule 51 is the document that outlines regulations and standards for special education programs in Nebraska. Rule 51 can be found on the Nebraska Department of Education's website: [https://cdn.education.ne.gov/wp-content/uploads/2017/10/Rule51\\_2017.pdf](https://cdn.education.ne.gov/wp-content/uploads/2017/10/Rule51_2017.pdf).

Rule 55 is the document that outlines rules of practice and procedure for due process hearing in special education contest cases. Rule 55 can be found on the Nebraska Department of Education's website: [https://cdn.education.ne.gov/wp-content/uploads/2017/10/Rule55\\_2012.pdf](https://cdn.education.ne.gov/wp-content/uploads/2017/10/Rule55_2012.pdf)

## SOURCES

Nebraska Department of Education Rule 51. 2021. [https://cdn.education.ne.gov/wp-content/uploads/2017/10/Rule51\\_2017.pdf](https://cdn.education.ne.gov/wp-content/uploads/2017/10/Rule51_2017.pdf)

IDEA. Child with a Disability. 2021. <https://sites.ed.gov/idea/regsb/a/300.8>