

OPERATING GUIDELINE

OTHER HEALTH IMPAIRMENT

Boerne ISD

130901

Legal Framework: [Other Health Impairment](#)

Category: Evaluation

"The list of acute or chronic health conditions in the definition of other health impairment [OHI] is not exhaustive, but rather provides examples of problems that children have that could make them eligible for special education and related services under the category of other health impairment." 71 Fed. Reg. 46550 (August 14, 2006).

"[I]f a child has experienced birth defects as a result of the substance abuse in the family, it is possible that the child could be eligible for services under Part B as a child with an 'other health impairment,' as defined at 34 CFR § 300.8(c)(9), a disability category which includes children with chronic or acute health problems resulting in limited strength, vitality, or alertness, that adversely affect educational performance." [OSEP Letter to Matsui \(May 10, 2007\)](#).

"Whether a child's disability 'adversely affects a child's educational performance' is considered for all disability categories in 34 CFR §300.8(c), because, to be eligible, a child must qualify as a child with a disability under 34 CFR §300.8 and need special education because of a particular impairment or condition. Although the phrase 'adversely affects educational performance' is not specifically defined, the extent of the impact that the child's impairment or condition has on the child's educational performance is a decisive factor in a child's eligibility determination under Part B. . . . A range of factors—both academic and nonacademic—can be considered in making this determination for each individual child. See 34 CFR §300.306(c). Even if a child is advancing from grade to grade or is placed in the regular educational environment for most or all of the school day, the group charged with making the eligibility determination still could determine that the child's impairment or condition adversely affects the child's educational performance because the child could not progress satisfactorily in the absence of specific instructional adaptations or supportive services, including modifications to the general education curriculum. 34 CFR §300.101(c) (regarding requirements for individual eligibility determinations for children advancing from grade to grade)." [OSEP Letter to Anonymous \(November 28, 2007\)](#).

"Part B does not necessarily require a school district to conduct a medical evaluation for the purpose of determining whether a child has [attention deficit disorder] ADD. If a public agency believes that a medical evaluation by a licensed physician is needed as part of the evaluation to determine whether a child suspected of having ADD meets the eligibility criteria of the OHI category, or any other disability category under Part B, the school district must ensure that this evaluation is conducted at no cost to the parents." [OSEP Letter to Williams \(March 14, 1994\)](#).

"If the school district believes that there are other effective methods for determining whether a child suspected of having ADD meets the eligibility requirements of the OHI category, or any other disability category under Part B, then it would be permissible to use qualified personnel other than a licensed physician to conduct the evaluation as long as all of the protections in evaluation procedures . . . are met." [OSEP Letter to Williams \(March 14, 1994\)](#).

"[A] child with high cognition and [attention deficit hyperactivity disorder] ADHD could be considered to have an 'other health impairment,' and could need special education and related services to address the lack of organizational skills, homework completion and classroom behavior, if appropriate." [OSEP Letter to Anonymous \(January 13, 2010\)](#).

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“[T]he ‘adversely affects a child’s educational performance’ standard is a subpart of the definition of ‘other health impairment.’ [Citation omitted.] Thus, establishing an adverse effect on educational performance demonstrates that A.D. has an ‘other health impairment.’ [H]owever, determining that a child has an ‘other health impairment’ only fulfills the first prong of the ‘child with a disability’ analysis under [Individuals with Disabilities Education Act (IDEA)]. A.D. must still fulfill the second prong by demonstrating that, by reason of his ADHD, he needs special education services. Therefore, the fact that A.D.’s ADHD adversely affects his educational performance does not necessarily mean that he is eligible for special education services under the IDEA.” [Alvin ISD v. A.D., No. 06-41588 \(5th Cir. 2007\)](#).

“[T]he district court . . . ‘considered a variety of sources [in determining whether A.D. needed special education services], including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child’s physical condition, social or cultural background, and adaptive behavior. . . .’ [Citation omitted.] Therefore, in determining whether A.D. needs special education services by reason of his ADHD, the district court properly considered the unique facts and circumstances of this case.” [Alvin ISD v. A.D., No. 06-41588 \(5th Cir. 2007\)](#).

Application Guidance

- [§ 89.1040 Eligibility Criteria-FAQ](#) (TEA)

Through the implementation of the Boerne ISD policies and procedures as outlined in the [Legal Framework](#) for the Child-Centered Special Education Process, the Boerne ISD ensures that when conducting an initial evaluation or a reevaluation of a child suspected of having an other health impairment, the group of qualified professionals will conduct a full and individual evaluation to determine whether the child meets the eligibility criteria for special education services as a child with an other health impairment as required by the IDEA and its accompanying federal regulations, state statutes and regulations.

PERSONS RESPONSIBLE: Campus Evaluation Team Member

When assessing a student suspected of having health problems that interfere with their education, the Campus Evaluation Team Member will give an intelligence test and an achievement test to determine current levels of intellectual and academic functioning. If information indicates the student has a health condition that may interfere with education, the OHI disability report should be obtained. A licensed physician must complete this form.

The Campus Evaluation Team Member will be responsible to ensure the diagnosis meets the criteria of chronic or acute health problems. All sections of the FIE must be completed. In addition to information from the nurse, information from the physician should be reported in the physical section of the FIE.

Although there are many conditions that may cause a student to be eligible for special education under this disability, some of the more common conditions include asthma, heart conditions, attention deficit/hyperactivity disorder, diabetes, etc. Remember that the student must have a need for specially designed instruction to be eligible for special education regardless of health conditions that may be present. The ARD committee makes the determination of eligibility.