Students with Disabilities: Terms and Definitions

The Corning-Painted Post Area School District has a continuing commitment to provide appropriate educational programs in the least restrictive environment for the students with disabilities that it serves.

Students moving into the district who were classified with a disability at their previous school should report this on the registration form and contact the PPS Department with questions or concerns.

Parents who suspect their child has disability should contact their child’s building principal to discuss the pre-referral process.

**Student with a disability** - means a student with a disability who has not attained the age of 21 prior to September 1st and who is entitled to attend public schools and who, because of mental, physical or emotional reasons, has been identified as having a disability and who requires special services and programs approved by the department. The terms used in this definition are defined as follows:

- **Autism** - means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age 3, that adversely affects a student’s educational performance. 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. The term does not apply if a student’s educational performance is adversely affected primarily because the student has an emotional disturbance. A student who manifests the characteristics of autism after age 3 could be diagnosed as having autism if the criteria in this paragraph are otherwise satisfied.

- **Deafness** - means a hearing impairment that is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a student’s educational performance.

- **Deaf-blindness** - means 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 students with deafness or students with blindness.

- **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 student’s educational performance:
  1. an inability to learn that cannot be explained by intellectual, sensory, or health factors.
  2. an inability to build or maintain satisfactory interpersonal relationships
with peers and teachers;
(iii) inappropriate types of behavior or feelings under normal circumstances;
(iv) a generally pervasive mood of unhappiness or depression; or
(v) a tendency to develop physical symptoms or fears associated with personal or school problems.
The term includes schizophrenia. The term does not apply to students 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 the child’s educational performance but that is not included under the definition of _deafness_ in this section.

_Learning disability_ - means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which manifests itself in an 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.

_Intellectual disability (previously mental retardation)_ - means significantly sub-average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a student’s educational performance.

_Multiple disabilities_ - means concomitant impairments (such as mental retardation-blindness, mental retardation-orthopedic impairment, etc.), the combination of which cause 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 student’s educational performance. The term includes impairments caused by congenital anomaly (_e.g._, clubfoot, absence of some member, etc.), impairments caused by disease (_e.g._, poliomyelitis, bone tuberculosis, etc.), and impairments from other causes (_e.g._, cerebral palsy, amputation, and fractures or burns which 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 is due to chronic or acute health problems, including but not limited to a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell
anemia, hemophilia, epilepsy, lead poisoning, leukemia, diabetes, attention deficit disorder or attention deficit hyperactivity disorder or tourette syndrome, which adversely affects a student's educational performance.

**Speech or language impairment** - means a communication disorder, such as stuttering, impaired articulation, a language impairment or a voice impairment, that adversely affects a student's educational performance.

**Traumatic brain injury (TBI)** - means an acquired injury to the brain caused by an external physical force or by certain medical conditions such as stroke, encephalitis, aneurysm, anoxia or brain tumors with resulting impairments that adversely affect educational performance. The term includes open or closed head injuries or brain injuries from certain medical conditions resulting in mild, moderate or severe impairments in one or more areas, including cognition, language, memory, attention, reasoning, abstract thinking, judgement, problem solving, sensory, perceptual and motor abilities, psychosocial behavior, physical functions, information processing, and speech. The term does not include injuries that are congenital or caused by birth trauma.

**Visual impairment including blindness** - means an impairment in vision that, even with correction, adversely affects a student’s educational performance. The term includes both partial sight and blindness.

**Individual evaluation** - means any procedures, tests or assessments used selectively with an individual student, including a physical examination, an individual psychological evaluation, except where a school psychologist has determined that a psychological evaluation is unnecessary to evaluate a student of school age, a social history and other appropriate assessments or evaluations as may be necessary to determine whether a student has a disability and the extent of his/her special education needs, but does not include basic tests administered to, or procedures used with, all students in a school grade or class.

**Committee on Special Education (CSE)/ Committee on Pre-school Special Education (CPSE)** - A multidisciplinary team consisting of a CSE/CPSE Chairperson, special education teacher, school psychologist, general education teacher, parent, student where appropriate and any other individuals with relevant information for determining a student’s special education program and services. The CPSE is responsible for children with disabilities ages 3-5. The CSE is responsible for children with disabilities ages 5-21. This committee will develop an Individual Education Program (IEP) to meet the student needs.

**Individualized education program (IEP)** - means a written statement, developed, reviewed and revised, to meet the unique educational needs of a student with a disability. The IEP must include:
The individual needs of the student including academic, social, physical and management needs;
- The classification of the disability of the student;
- Annual goals that are consistent with the student’s needs and short-term objectives necessary to meet the annual goals.
- The recommended program and services including class size and the extent that the student will participate in regular education;
- The projected date for the initiation and the review of special education and related services, and the amount of time the student will receive such services;
- A description of any specialized equipment needed for the student to benefit from education;
- A list of testing modifications to be used by the student; and
- The recommended placement.

The IEP of each student with a disability is reviewed annually and a re-evaluation is completed every three years to determine current individual needs and continuing eligibility for special education. Each IEP is written for the student’s entire school day since Corning-Painted Post Area School District maintains a philosophy that a student has needs in all areas, not solely in the area in which the disability is manifested.

*Least restrictive environment (LRE)* - means that placement of students with disabilities in special classes, separate schools or other removal from the regular educational environment occurs only when the nature or severity of the disability is such that even with the use of supplementary aids and services, education cannot be satisfactorily achieved. The placement of an individual student with a disability in the least restrictive environment shall:
- provide the special education needed by the student;
- provide for education of the student to the maximum extent appropriate to the needs of the student with other students who do not have disabilities; and
- be as close as possible to the student’s home.

If the student can be educated satisfactorily in the general education classroom, with aids and services, then that is the student’s LRE. In the Corning-Painted Post Area School District the first consideration is education of students with disabilities in a general education setting in their home school.

*Functional behavioral assessment (FBA)* - means the process of determining why a student engages in behaviors that impede learning and how the student’s behavior relates to the environment. The functional behavioral assessment shall include, but is not limited to, the identification of the problem behavior, the definition of the behavior in concrete terms, the identification of the contextual factors that contribute to the behavior (including cognitive and affective factors) and the formulation of a hypothesis regarding the general
conditions under which a behavior usually occurs and probable consequences that serve to maintain it.

**Behavioral intervention plan (BIP)** - means a plan that is based on the results of a functional behavioral assessment (FBA) and, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs and intervention strategies that include positive behavioral supports and services to address the behavior.

**Transition services** - means a coordinated set of activities for a student with a disability, to facilitate the movement from school to post-school activities. These include but are not limited to, post secondary education, vocational education, integrated competitive employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities must be based on the individual student’s needs, taking into account the student’s strengths, preferences and interests, and shall include needed activities in the following areas: Instruction, related services, community experiences, the development of employment and other post school adult living objectives and acquisition of daily living skills and provision of a functional vocational evaluation.

**The Individuals with Disabilities Education Act (IDEA)** - is a federal law ensuring services to children with disabilities throughout the nation. IDEA governs how states 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.

**Protection for students who do not meet the criteria for an IEP under IDEA and NYS law:**

**Section 504 of the Rehabilitation Act of 1973** - protects the rights of individuals with disabilities in programs and activities that receive federal financial assistance, including federal funds. Section 504 provides that: “No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his disability, 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 . . .”

The Section 504 regulation requires a school district to provide a “free appropriate public education” (FAPE) to each qualified person with a disability who is in the school district’s jurisdiction, regardless of the nature or severity of the person’s disability.

**Free and appropriate public education (FAPE)** - an appropriate education may comprise education in regular classes, education in regular classes with the use of related aids and services, or special education and related services in separate classrooms for all or portions of the school day. **Special education** is defined in NYS as “specially designed individual or group instruction or special services or programs and special transportation, provided at no cost to the parent, to meet the unique needs of students with disabilities” (The NYS
Sources:


The University of the State of New York
THE STATE EDUCATION DEPARTMENT
Office of Vocational and Educational Services for Individuals with Disabilities
Albany, New York 12234
Regulations Of The Commissioner Of Education
Pursuant to Sections 207, 3214, 4403, 4404 and 4410 of the Education Law
PART 200 Students with Disabilities
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http://idea.ed.gov/

The U.S. Department of Education: Individuals with Disabilities Education Act

http://www2.ed.gov/about/offices/list/ocr/504faq.html

U.S. Department of Education – Office for Civil Rights:
Frequently Asked Questions About Section 504 and the Education of Children with Disabilities