\*Tracked changes version follows the clean copy

**Clean Copy**

581-015-2175

Traumatic Brain Injury

(1) Definition of Traumatic Brain Injury: For Early Intervention, Early Childhood and School Age Special Education, "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. Traumatic brain injury 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 currently affecting or has the potential to significantly affect an infant or toddler’s developmental progress. Traumatic brain injury does not apply to brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma. Students with brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma, are not eligible under the category of traumatic brain injury but may be eligible under a different category.

(a) For Early Intervention: The infant or toddler’s disability does not need to be presently affecting their development for the infant or toddler to be eligible for Early Intervention services.

(b) For Early Childhood and School Age: The 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 developmental progress (age 3 through 5) or educational performance (age 5 through 21).

(2) Comprehensive Evaluation: If a child is suspected of having a traumatic brain injury, a comprehensive evaluation must be conducted, including the following:

(a) Documentation of a medical examination as defined in OAR 581-015-2000 or, with documentation of sufficient efforts by the Local Education Agency to obtain appropriate medical information through a medical examination and evidence that such information cannot be obtained, guided credible history interview process indicating that an event may have resulted in a traumatic brain injury;

(B) The guided credible history interview process is an interview facilitated by an individual familiar with the symptoms of a traumatic brain injury to thoroughly explore a family’s report of a possible traumatic brain injury. The guided credible history interview process must:

(i) Document one or more traumatic brain injuries,

(ii) Be reported by a reliable and credible source, and

(iii) Be corroborated by more than one reporter.

(b) A psychological assessment. A comprehensive psychological assessment using a battery of instruments intended to identify deficits associated with a traumatic brain injury administered and interpreted by a school psychologist licensed by Oregon Teacher Standards and Practices Commission (TSPC), a psychologist or a psychologist associate licensed under Chapter 675 by the Oregon Board of Psychological Examiners (OBPE), or in the case of a student from another state an individual similarly credentialed in another state;

(c) A developmental history as defined in OAR 581-015-2000; and

(d) Other:

(A) Other assessments including, but not limited to, motor assessments if the child exhibits motor impairments; speech or language assessments if the child exhibits speech or language impairments, and psychosocial assessments if the child exhibits changed behavior. These assessments must be completed by qualified personnel knowledgeable in the specific area being assessed;

(B) Other information related to the child’s suspected disability, including pre-injury performance and a current measure of adaptive ability;

(C) An observation in at least two different settings;

(i) For Early Childhood and School Age special education: An observation in the classroom and in at least one other setting;

(D) Any additional assessments necessary to determine the impact of the suspected disability:

(i) On the child's developmental progress for birth through 5; or

(ii) On the child's educational performance for a school-age child (age 3 through 21); and

(E) For Early Intervention: Any additional assessments necessary to determine the impact of the suspected disability.

(F) For Early Childhood and School Age special education: Any additional evaluations or assessments necessary to identify the child's educational needs.

(3) Eligibility Criteria: To be eligible as a child with a traumatic brain injury or Early Intervention, Early Childhood or School Age Special Education services, the child must meet all of the following criteria:

(a) The child has an acquired injury to the brain caused by an external physical force;

(b) The child’s condition is permanent or expected to last for more than 60 calendar days; and

(c) The child’s injury results in an impairment of one or more of the following areas:

(A) Communication;

(B) Behavior;

(C) Cognition, memory, attention, abstract thinking, judgment, problem-solving, reasoning, and/or information processing; or

(D) Sensory, perceptual, motor and/or physical abilities.

(4) Eligibility Determination: For a child to be eligible for Early Intervention, Early Childhood or School Age Special Education services as a child with a traumatic brain injury, the eligibility team must determine that:

(a) The child has a traumatic brain injury as defined in this rule; and

(b) The child is eligible for services in accordance with Early Intervention (OAR 581-015-2780), Early Childhood special education (OAR 581-015-2795), or School Age special education (OAR 581-015-2120).

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(A) Other assessments including, but not limited to, motor assessments if the child exhibits motor impairments; speech or language assessments if the child exhibits speech or language impairments, and psychosocial assessments if the child exhibits changed behavior. These assessments must be completed by qualified personnel knowledgeable in the specific area being assessed;

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(C) An observation in at least two different settings;

(i) For Early Childhood and School Age special education: An observation in the classroom and in at least one other setting;

(D) Any additional assessments necessary to determine the impact of the suspected disability:

(i) On the child's developmental progress for birth through 5; or

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