

581-015-2140 revisions (SB 13 and IDEA compliance)

IDEA Language

Deafblindness

(1) Early Intervention (ages birth through two in accordance with OAR 581-015-2700(10)): "Deafblindness" means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental needs that the infant or toddler cannot be accommodated in special education programs designed solely for infants or toddlers having deafness or blindness, currently affecting or has the potential to significantly affect an infant or toddler's developmental progress. 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.

(2) Early Intervention: If an infant or toddler is suspected of being deafblind, a comprehensive evaluation must be conducted, including the following:

- (a) The minimum evaluation procedures for deaf or hard of hearing and visual impairment under OAR 581-015-2150 and OAR 581-015-2180, respectively;
- (b) If the infant or toddler demonstrates inconsistent or inconclusive responses in an assessment of one sensory area, a functional assessment must be administered by a state licensed teacher of the visually impaired, a state licensed teacher of the deaf or hard of hearing, an audiologist licensed under ORS chapter 677, or an audiologist licensed by the appropriate authority in another state.

(3) Early Intervention: To be eligible as an infant or toddler who is deafblind, the infant or toddler must meet one or more of the following minimum criteria:

- (a) The infant or toddler meets the minimum criteria for both visual impairment and deaf or hard of hearing under OAR 581-015-2150 and OAR 581-015-2180, respectively; or
- (b) The infant or toddler meets the minimum criteria for either visual impairment or deaf or hard of hearing and demonstrates inconsistent or inconclusive responses in an assessment of the other sensory area; or
- (c) The infant or toddler meets the minimum criteria for either visual impairment or deaf or hard of hearing and has a degenerative disease or pathology that affects the acuity of the other sensory area.

(4) Early Intervention: For an infant or toddler to be eligible for early intervention services as an infant or toddler who is deafblind, the eligibility team must determine that:

- (a) The infant or toddler is deafblind as defined in this rule; and
- (b) The infant or toddler is eligible for early intervention services in accordance with OAR 581-015-2780.

(5) Early Childhood Special Education (age 3 through 5) and School Age (age 5 through 21): "Deafblindness" means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that the child cannot be accommodated in special education programs designed solely for students having deafness or blindness that adversely affect a child's developmental progress (age 3 through 5) or educational performance (age 5 through 21).

(46) Early Childhood Special Education and School Age: If a child is suspected of having being deafblindness, the following evaluations must be conducted: a comprehensive evaluation must be conducted, including the following:

- (a) The minimum evaluation procedures for hearing impairment deaf or hard of hearing and vision visual impairment under OAR 581-015-2150 and OAR 581-015-2180, respectively;

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(b) If the child demonstrates inconsistent or inconclusive responses in an assessment of one sensory area, a functional assessment must be administered by a state licensed ~~educator-teacher~~ of the visually impaired, a state licensed ~~educator-teacher~~ of the ~~hearing-impaired-deaf or hard of hearing~~, or an audiologist licensed under ORS chapter 677, or audiologist licensed by the appropriate authority in another state.

(7) Early Childhood Special Education and School Age: To be eligible as a child who is deafblind, the child must meet one or more of the following minimum criteria:

(a) The child meets the minimum criteria for both visual impairment and deaf or hard of hearing under OAR 581-015-2150 and ~~OAR 581-015-2180~~, respectively; or

(b) The child meets the minimum criteria for either visual impairment or deaf or hard of hearing and demonstrates inconsistent or inconclusive responses in an assessment of the other sensory area; or

(c) The child meets the minimum criteria for either visual impairment or deaf or hard of hearing and has a degenerative disease or pathology that affects the acuity of the other sensory area.

(38) Early Childhood Special Education and School Age: For a child to be eligible for special education services as a child who is deafblind, the eligibility team must also determine that:

~~(a) The child's disability has an adverse impact on the child's educational performance; and~~

~~(b) The child needs special education services as a result of the disability.~~

(a) The child is deafblind as defined in this rule; and

(b) The child ~~is eligible for special education services in accordance with OAR 581-015-2795 and/or~~ OAR 581-015-2120.

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Statutory/Other Authority: ORS 343.035(1), 343.045, 343.146 & 343.157;

Statutes/Other Implemented: ORS 343.035(1), 343.045, 343.146, 343.157, 34 CFR 300.8 & 300.306

History:

Renumbered from 581-015-0051, ODE 10-2007, f. & cert. ef. 4-25-07

ODE 2-2003, f. & cert. ef. 3-10-03

ODE 8-2001, f. & cert. ef. 1-29-01

ODE 11-2000, f. 5-3-00, cert. ef. 7-1-00

EB 22-1995, f. & cert. ef. 9-15-95

EB 16-1992, f. & cert. ef. 5-13-92

EB 25-1991(Temp), f. & cert. ef. 11-29-91

1EB 7-1986, f. & ef. 2-24-86

Reverted to 1EB 29-1978, f. & ef. 7-20-78

1EB 18-1983(Temp), f. & ef. 12-20-83

1EB 29-1978, f. & ef. 7-20-78