

581-015-2165 revisions (SB 16 and IDEA compliance)

IDEA Language

Other Health Impairment

(1) "Other Health Impairment" means limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment, that:

(a) Is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome; and

(b) Adversely affects a child's developmental progress (ages 3 through 5) or educational performance (ages 5 through 21).

(42) If a child is suspected of having an other health impairment, a comprehensive evaluation must be conducted, including the following:

(a) Medical or health assessment statement. A medical statement or a health assessment statement, medical examination conducted by a physician licensed by an appropriate state authority; a naturopathic physician licensed by an appropriate state authority; a nurse practitioner licensed by an appropriate state authority; or a physician assistant licensed by an appropriate state authority. Medical examination indicating a diagnosis of a health impairment or a description of the impairment, and a statement that the child's condition is permanent or is expected to last for more than 60 calendar days given conducted by:

(A) A physician licensed under ORS chapter 677 or by the appropriate authority in another state;

(B) A naturopathic physician licensed under ORS chapter 685 or by the appropriate authority in another state;

(C) A nurse practitioner licensed under ORS 678.375 to 678.390 or by the appropriate authority in another state; or

(D) A physician assistant licensed under ORS 677.505 to 677.525 or by the appropriate authority in another state.

(b) Other:

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

(i) On the child's developmental progress for a preschool child (age 3 through 5); or

(ii) On the child's educational performance for a school-age child (age 5 through 21); or;

(iii) On the child's developmental progress for a preschool child; and

(B) Any additional evaluations or assessments necessary to identify the child's developmental or educational needs.

(23) To be eligible as a child with an other health impairment, the child must meet all of the minimum following criteria:

(a) The child exhibits limited strength, vitality or alertness, including a heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment;

(b) The child's limited strength, vitality or alertness is due to a chronic or acute health problem; and

(c) The child's condition is permanent or expected to last for more than 60 calendar days.

(34) For a child to be eligible for special education services as a child with an other health impairment, the eligibility team must also determine that:

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

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

~~(a) The child has an other health impairment as defined in 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.~~

**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

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