

581-015-2175 revisions (SB 16, IDEA compliance, and add credible history concept)

IDEA Language

Stakeholder requested language

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Traumatic Brain Injury

(1) Early Intervention (birth through two in accordance with OAR 581-015-2700(10)): "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. The infant or toddler's disability does not need to be presently affecting their development for the infant or toddler to be eligible for EI services. Traumatic brain injury does not apply to brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma.

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

(a) Medical examination or guided credible history interview process indicating that an event may have resulted in a traumatic brain injury as defined in subsections (1) and (3).

(A) Medical examinations must be conducted by:

- (i) A physician licensed under ORS chapter 677 or by the appropriate authority in another state; or
- (ii) A naturopathic physician licensed under ORS chapter 685 or by the appropriate authority in another state; or
- (iii) A nurse practitioner licensed under ORS 678.375 to 678.390 or by the appropriate authority in another state; or
- (iv) A physician assistant licensed under ORS 677.505 to 677.525 or by the appropriate authority in another state;

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(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:

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- (i) Document one or more traumatic brain injuries.
- (ii) Be reported by a reliable and credible source.
- (iii) Be corroborated by more than one reporter, and

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(b) Psychological assessment. A comprehensive psychological assessment using a battery of instruments intended to identify deficits associated with a traumatic brain injury administered by a school psychologist licensed under ORS chapter 675 or by an appropriate authority in another state; or other individuals who have the training and experience to administer and interpret the tests within the battery; and

(c) Developmental history as defined in OAR 581-015-2000(9).

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(d) Other:

(A) Other assessments including, but not limited to, motor assessments if the infant or toddler exhibits motor impairments; communication assessments if the infant or toddler exhibits communication disorders;

and psychosocial assessments if the infant or toddler exhibits changed behavior. These assessments must be completed by qualified personnel knowledgeable in the specific area being assessed;

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(B) Other information relating to the infant or toddler's suspected disability, including pre-injury performance and a current measure of adaptive ability;

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

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

(3) Early Intervention: To be eligible as an infant or toddler with a traumatic brain injury, the infant or toddler must meet all of the following criteria:

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

(b) The infant or toddler's condition is permanent or expected to last for more than 60 calendar days;

(c) The infant or toddler'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;

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

(4) Early Intervention: For an infant or toddler to be eligible for early intervention services as an infant or toddler with a traumatic brain injury, the eligibility team must determine that:

(a) The infant or toddler has a traumatic brain injury as defined in this rule; and

(b) The infant or toddler is eligible for early intervention services in accordance with OAR 581-015-2780.

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(5) Early Intervention: 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.

(6) Early Childhood Special Education (age 3 through 5) and School Age (age 5 through 21): "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, that adversely affects a child's developmental progress (age 3 through 5) or educational performance (age 5 through 21). 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. Traumatic brain injury does not apply to brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma.

(47) Early Childhood Special Education and School Age: If a child is suspected of having a traumatic brain injury, 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 or guided credible history interview process indicating that an event may have resulted in a traumatic brain injury as defined in subsections (6) and (8).

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(A) Medical examinations must be conducted by:

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

or

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

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

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

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(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.

(iii) Be corroborated by more than one reporter, and

(b) Psychological assessment. A comprehensive psychological assessment using a battery of instruments intended to identify deficits associated with a traumatic brain injury administered by a ~~licensed~~-school psychologist, ~~a psychologist licensed by a State Board of Psychological Examiners, licensed under ORS chapter 675 or by an appropriate authority in another state;~~ or other individuals who have the training and experience to administer and interpret the tests within the battery;

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(c) Developmental history as defined in OAR 581-015-2000(9); and
(ed) Other:

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

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

(C) 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 a preschool child (age 3 through 5); or

(ii) On the child's educational performance for a school-age child (age 3 through 5); or and

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

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

(28) Early Childhood Special Education and School Age: To be eligible as a child with a traumatic brain injury, the child must meet all of the following ~~minimum~~-criteria:

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(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;

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

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(A) Communication;

(B) Behavior;

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

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

(39) Early Childhood Special Education and School Age: For a child to be eligible for special education services as a child with a traumatic brain injury, the eligibility team must ~~also~~ determine that:

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~~(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 has a traumatic brain injury 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.~~

(410) Early Childhood Special Education and School Age. 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.

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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