

New Mexico TEAM Professional Development Module: Orthopedic Impairment

[Slide 1] Welcome

Welcome to the New Mexico TEAM technical assistance module on making eligibility determinations under the category of orthopedic impairment, also called OI. This module will review the guidance of the NM TEAM section on OI. During this module, you will sometimes be referred back to a different module or other resources for additional information. We encourage you to have a copy of the NM TEAM available and open to the section on OI for reference during this module.

[Slide 2] Learner Objectives

After successfully completing this module, you will have the knowledge to use evaluation data effectively to make an eligibility determination under the category of OI. Specifically, you will be able to: understand the federal definition of OI, identify some common characteristics of OI and the associated educational impact, and recognize special considerations for assessment for children with known or suspected OI. Additionally, you will understand the highly recommended and potential components of an evaluation for OI, know the criteria required for eligibility under the category of OI, and understand how to document the team's eligibility determination decisions.

[Slides 3-7] Definition

[Slide 3] When teams are making eligibility determination decisions, IDEA outlines a two-step approach. Each of these steps involves responding to a specific question—the first question is “Does the child have a disability as defined by IDEA?” and the second question is “Does the child require specially designed instruction as a result of this disability?”

This module will walk you through answering those two questions. First, we'll talk about the definition of OI, as defined by IDEA, to help you begin to better understand the disability itself. Next, we'll talk about the impact of the disability on educational performance to help you understand when a child might require specially designed instruction as a result of OI. Later, after establishing this basic framework, we'll talk more specifically about the evaluation components and the eligibility determination decisions.

IDEA's definitions of disability terms are the cornerstones of eligibility determination decisions. The definition, combined with comprehensive assessment data, including detailed information about the child's background, educational strengths and needs, and other pertinent factors, helps schools, educators, and parents determine if the child is eligible for and in need of special education and related services. Please take a moment to read the IDEA definition of OI and then we'll take a closer look at it.

[Slide 4] Now let's take a closer look at the definition. This definition of the disability will help teams answer the question: “Does the child have a disability as defined by IDEA?”

An OI involves a chronic limitation of a child's skeleton, joints, muscles, and/or other connective tissues in the body. This limitation could be congenital, like spina bifida; caused by a disease, like muscular dystrophy; or have another cause, like amputations or burns.

New Mexico TEAM Professional Development Module: Orthopedic Impairment

To identify a child as a child with OI, eligibility determination teams, also called EDTs, must determine that the child has a severe orthopedic impairment that adversely affects the child's educational performance. In order to make this determination, it is important to recognize some of the different types of disabilities that can be considered orthopedic impairments.

[Slide 5] Two of the most common disabilities that may be considered under the category of OI are cerebral palsy and spina bifida. Cerebral palsy is a term that refers to damage to a child's brain that typically occurs before or during birth. It is non-progressive, which means that it doesn't get any worse, but the impact of the disability may change over a child's life. Cerebral palsy impacts how the brain sends messages to the body and muscles, and leads to difficulty with motor control. This difficulty might be wide-spread, virtually affecting the child's whole body, or limited to only one side of the body or very specific skills, like speaking. It should not be assumed that a child with cerebral palsy also has intellectual disability or other learning disabilities, as the nature of the child's difficulties is related to the part of the brain that was damaged.

Spina bifida is also a developmental disability that occurs when a child's spinal column doesn't close completely during fetal development. Like with cerebral palsy, the effects of spina bifida vary in their severity. The physical impairments of children with spina bifida depend on where along the spinal column and the severity of the opening. Spina bifida is often associated with some degree of weakness or paralysis, particularly in a child's lower body. Children with spina bifida demonstrate a variety of learning styles and needs; however, it should not be **assumed** that children with spina bifida have intellectual disability or other learning problems.

[Slide 6] In addition to these two developmental disabilities, there are some neuromuscular diseases that may indicate the presence of an OI. Neuromuscular diseases, such as muscular dystrophy, can be acquired or inherited and involved progressive muscle weakness. Depending on the type and severity of the disease, the onset might begin at birth, during childhood, or in adulthood. The rate of the progression of the disease also varies and children may experience tightening of joints, pain, and cramping. Once again, it should not be assumed that children with neuromuscular disease have intellectual disability or other learning problems, although some of the diseases are associated with a higher risk for learning disabilities and intellectual disability. It is important to note that children with neuromuscular diseases don't demonstrate a decline in their cognitive skills like they do with their muscle strength.

[Slide 7] Other physical impairments that may reflect an OI include rheumatoid arthritis, bone fractures, burns, and amputations. Like the three impairments we've discussed in detail, all of these impairments have the potential to significantly impact a child's ability to use their bodies or parts of their bodies to participate in appropriate educational experiences.

It is important to remember that this disability must adversely affect the child's educational performance in order for him to be found eligible for special education and related services. Because OIs are primarily physical in nature and may or may not impact a child's ability to learn, it can be difficult for

New Mexico TEAM Professional Development Module: Orthopedic Impairment

some EDTs to identify how an OI could impact a child's educational performance. We'll talk about this second step to eligibility determination decisions by first talking about educational performance in general and then looking specifically at issues related to OI.

[Slides 8-14] Educational Performance

[Slide 8] To determine the impact of a disability on a child's educational performance, the team needs to answer the question: "Does the child require specially designed instruction as a result of this disability?" If a child with a disability does not require specially designed instruction, then the child would not qualify under IDEA and teams should consider the implementation of a Section 504 plan or other classroom interventions to address the child's needs.

[Slide 9] According to IDEA, specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction to meet the unique needs that result from a child's disability. This includes special education.

[Slide 10] In New Mexico, services provided by a speech-language pathologist may also be considered special education, not simply a related service, if the services meet the requirements outlined in the New Mexico Administrative Code, typically referred to as NMAC.

[Slide 11] When evaluating a child for potential eligibility for special education and related services under the eligibility category of OI, according to IDEA, it is important that teams remember to consider three aspects of the child's educational performance. This includes the child's ability to: be involved and make progress in the general education curriculum, participate in extracurricular and other nonacademic activities, and be educated and participate with other children with and without disabilities.

[Slide 12] Teams are probably most familiar and most comfortable with the first of these areas: determining if a child's disability results in a need for specially designed instruction in order to be involved in and make progress in the general education curriculum. While this includes academic progress, it may also include social skills, problem solving, communication, and other general curriculum areas.

[Slide 13] Second, it is also important for teams to consider whether a child needs specially designed instruction in order to participate in extracurricular and nonacademic activities, such as recess, sports, choir, drama, and other clubs or school-related activities. For example, a child with OI may be performing satisfactorily in classroom activities because of the amount of supports inherent in the classroom environment. However, this child may have difficulty with participation in extracurricular activities, like soccer or choir, because of the interaction between his disability and the nature of the activities. According to IDEA, this child may be found eligible for special education and related services because of the impact of his disability on his ability to participate in these activities. An example of this might be a child with OI who requires supplementary aids and services to participate in after-school clubs. It is important to recognize that IDEA doesn't guarantee children access to competitive teams or

New Mexico TEAM Professional Development Module: Orthopedic Impairment

groups **because** of their disability. However, they should be permitted the same opportunity as other children to try out for the activities and/or teams. The New Mexico Activities Association provides guidance regarding academic eligibility for participation for children enrolled in special education programs.

[Slide 14] The third and final area for teams to consider is the child's ability to be educated and participate with other children, including those with and without disabilities. This is essentially a question of educational environment. For example, a child with OI may be able to access the general **curriculum** and participate in extracurricular activities, but because of his disability, it may be especially difficult for him to be educated in the general education classroom. This is not a discussion about where services will be delivered, but what services are necessary. For example, an EDT may determine that a child with challenging behaviors needs specially designed instruction in order to develop and support appropriate classroom behaviors and interactions. Other examples include a child with attention difficulties who requires specially designed instruction to learn strategies to improve his attention and focus in the classroom, or a child who needs specially designed instruction in the form of social skills interventions in order to participate in activities with peers. Where the first question teams ask relates to access to curriculum, this question addresses the educational setting for the child.

Now that we've talked in general about educational performance, let's look specifically at the possible adverse effects of OI on a child's education.

[Slides 15-19] Characteristics and Educational Impact

[Slide 15] We're going to highlight some of the developmental areas that are commonly impacted by OI to help teams identify characteristics that may suggest that a child has OI. As we discuss the different areas, we will highlight characteristics and educational impact for both preschool-aged and school-aged children with OI. Although we're examining the same developmental areas for both age groups, the characteristics may be manifested in different ways depending on the developmental level of the child and the demands of the environment. It is important to recognize that the effects of OI will vary considerably, depending in large part upon the interaction between the child's characteristics, and the school, family, and community supports.

To identify the educational impact for a child with OI, the EDT must examine the demands of various settings and environments and the child's abilities to meet those demands by addressing the question of "How do the characteristics of the disability manifest in the child's natural environments (including home, classroom, recess, and others)?" This determination needs to be made at a very individual level for each child and must be based on comprehensive information about the child and his environments, including information gained from observing a child's functional and academic performance across a variety of settings.

New Mexico TEAM Professional Development Module: Orthopedic Impairment

[Slide 16] The characteristics of under the category of OI are organized around three domains: physical/motor, communication, and social/emotional. These domains each include a range of skills that may be impacted by OI.

[Slide 17] When we are looking at the domain of physical and motor skills, we find that preschoolers with OI may have difficulty moving through their home and community, for example by crawling or walking, participating in self-help activities like dressing and toileting, and may have limited access to environments and activities that promote learning. With a school-aged child, EDTs will look more at the school environment, and may find that a school-aged child with OI may have difficulty moving within the school environment, using writing tools and computers, and may lack the endurance to participate in school activities. In addition, they may experience pain, fatigue, and absenteeism related to their disability.

[Slide 18] When looking at the domain of communication skills, children with OI may have difficulty with speech skills. For preschool-aged children, this could be evident by difficulty communicating their ideas, needs, and desires at home and in the community or participating fully in home and community activities. For school-aged children, it may also be exhibited during school-based activities, such as demonstrating knowledge and/or asking for clarification during academic activities.

[Slide 19] Finally, in the area of social/emotional skills, EDTs may find delayed skills due to decreased opportunities for social interaction as a result of their disability. School-aged children may experience a broad range of psychological factors, including lack of motivation, learned helplessness, and depression.

Please refer to the “Characteristics and Educational Impact” section of the NM TEAM for more detailed information in each of these areas, but remember that the characteristics presented in NM TEAM are not meant to be exhaustive nor is the NM TEAM suggesting that all children with OI will demonstrate all of the presented characteristics. It is important for teams to recognize that these characteristics may lead to limited opportunities for engaging in age-appropriate activities, opportunities to be educated with peers, and the learning that accompanies these activities.

[Slides 20-22] Special Considerations for Assessment

[Slide 20] It is important for EDTs to be aware of issues related to evaluating young children and children with known or suspected disabilities, regardless of the eligibility categories being considered. For example, when evaluating young children, it is imperative that the impact of the family, home environment, home language, and developmental history be considered. Specifically, EDTs must determine that a possible lack of exposure to developmentally appropriate activities is not the **primary** reason for the child’s difficulties. In addition, for a child with a known or suspected disability, EDTs must ensure that the assessment results accurately reflect the areas being assessed. For example, be careful that you are not measuring the child’s sensory, motor, or speaking skills, unless those are the skills you *wish* to assess. Please review NM TEAM Section Six for more information on these issues.

New Mexico TEAM Professional Development Module: Orthopedic Impairment

Like all of the eligibility categories, OI has unique characteristics that can influence the evaluation process. Assessment results must accurately reflect the child's abilities being measured, rather than other skills, is particularly relevant for children with suspected OI. It is important that the EDTs take steps to ensure that the child's physical abilities don't negatively impact the assessment results. For example, many reading fluency assessments require a motor response, such as circling responses. This type of task is actually measuring both reading fluency and motor skills and could result in a depressed score that is not due to reading abilities. When utilizing assessments such as these with a child with OI, the information gained should be used primarily for descriptive purposes.

[Slide 21] In addition, it is important that EDTs remember that they are making an educational determination of OI, not a medical diagnosis. Medical and general health factors should be considered for all eligibility determinations, and some specific situations may require medical documentation to make an appropriate eligibility determination.

[Slide 22] Teams need to determine what medical information they require to make an appropriate eligibility determination decision, but it is not **absolutely** required that teams obtain a medical diagnosis as part of the eligibility determination decision for OI. If the team has the expertise to gather and interpret the data necessary to make a determination under this category without a medical diagnosis, and deems it appropriate to do so, neither IDEA, NMAC, or NM TEAM prevents them from doing so. The team must document this decision, including the rationale and supporting documentation used. Teams must remember that part of the eligibility determination decision under all of the categories involves indicating that no other disability **better** explains the child's educational problems, so teams must be sure that they have the necessary information to make this determination.

[Slides 23-24] Initial Evaluation: Orthopedic Impairment

[Slide 23] To answer the questions on the eligibility determination worksheets and make eligibility decisions, it is important to discuss the evaluation components that are outlined in the NM TEAM. A number of the components are the same across most, if not all, of the eligibility categories. These components are outlined and discussed in the Conducting Initial Evaluations Module.

Highly recommended evaluation components for OI are listed on the screen in front of you and in the NM TEAM under the OI section. All of the highly recommended components are important and should be addressed in an evaluation, but some of the elements need to be discussed in a bit more depth to help evaluators more clearly understand the component within the context of OI.

Please remember that the assessments chosen must be tailored to assess specific areas of suspected disability and educational need. Assessment of children for whom OI is suspected should be multidisciplinary and comprehensive and conducted by individuals experienced in evaluating individuals with OI. There is no single definitive assessment for suspected OI. Thus, the use of multiple tools, as well as the professional judgment and skill of the professionals who conducted the evaluation, will ensure accurate findings. Please remember that the NM TEAM provides information about common

New Mexico TEAM Professional Development Module: Orthopedic Impairment

characteristics of children with OI—this information can help EDTs identify if OI may be an appropriate eligibility category for consideration.

Let's start by talking about the information gathered during a review of existing data, the child's history, and direct observations of the child's behavior. When evaluating a child for suspected OI, EDTs should pay particular attention to information suggesting that the child has a history of a physical disability and that the disability has impacted the child's educational performance.

A motor skills assessment is an essential part of an initial evaluation for a child with suspected OI. This assessment will provide the EDT with information that will assist them in determining the impact of the OI on educational performance and in identifying appropriate supports and services for the child.

As we discussed previously, EDTs should recognize that the academic performance of children with OI may or may not be impacted. Some children with OI may perform well on standards-based assessments, standardized academic achievement tests, and other assessments, but may have significant difficulty participating in learning activities with their peers and adults. EDTs must understand that a child does not need to demonstrate academic achievement deficits to be found eligible for special education and related services under the category of OI, but they do need to show significant educational impact.

[Slide 24] Finally, it is important to recognize that decisions regarding transition assessments need to be highly individualized for each child and situation. In New Mexico, transition planning must be documented on the first IEP in effect when the child turns 14 or during their 8th grade year, whichever comes sooner. This type of transition planning specifically relates to the child's progression from the public schools to post-secondary settings. However, EDTs should recognize first that this planning may need to start earlier for some children and second, that transitions occur throughout a child's school tenure. For example, children transition from preschool to elementary school, from elementary school to middle school, between schools, and so on. EDTs should ensure that they have the information necessary to support children through all of these critical transitions, as appropriate for each individual child.

[Slide 25] Potential Additional Components

It is the responsibility of the team to answer any questions that may arise throughout the evaluation process, including what eligibility category best describes the child's primary disability and what supports and services the child needs. The highly recommended evaluation components that we've discussed should help teams answer many of the questions that they might have, but in some situations, teams may require additional information. NM TEAM presents a list of potential additional components that can be found in the Initial Evaluation section of the NM TEAM category of OI. This list may be helpful as teams make eligibility determination decisions, but should not be considered as the only additional areas that the EDT may wish to explore. We will talk about a few of those components now.

One of the potential additional components for an evaluation under the category of OI is an assessment of cognitive abilities. This information may be necessary for the EDT to ensure that this is the most

New Mexico TEAM Professional Development Module: Orthopedic Impairment

appropriate category for eligibility, as some children with OI also have intellectual disability. In addition, the information from a cognitive assessment will support in the development of an appropriate educational program for the child, as it will help identify the child's cognitive strengths and areas of need.

The two other potential additional components, a speech, language, and communication evaluation and assistive technology evaluation, may be appropriate when the EDT has questions about the child's communication abilities or if the child's motor difficulties impact their verbal or written communication. These components should be conducted to provide the EDT with information that would assist in program planning and the development of an appropriate educational program.

[Slide 26-38] Eligibility Determination Process for Orthopedic Impairment

[Slide 26] Before we examine criteria that are specific to the eligibility determination decision for OI, we would like to remind you that general information regarding the eligibility process and use of the eligibility determination worksheets is presented in the module, "Eligibility Determination and Use of Eligibility Determination Worksheets." We encourage you to listen to that module and to review the information presented in the NM TEAM in "Section Six. Essential Components of Eligibility Determination."

For this discussion, you will find it helpful to refer specifically to the "Eligibility Determination" and "Eligibility Determination Worksheets" sections within the OI chapter of the NM TEAM.

To determine that a child is eligible for special education and related services as a child with OI, an EDT must first determine that the child is a child with a disability, and second that the child demonstrates a need for specialized instruction as a result of his disability.

[Slide 27] The Eligibility Determination Worksheets are structured to guide the EDT in making these decisions. They provide a detailed road map to guide teams not only in working through the process, but also in documenting their decisions. We will use the OI worksheet as a guide for the rest of this discussion.

[Slide 28] First, the EDT must document relevant identifying information and the assessment and evaluation data they have collected and will be using in the eligibility determination process. This information should reflect data collected from multiple data sources.

[Slide 29] Second, under the "Determine the presence of a disability" section, the EDT will address four questions that specifically relate to determining if a child has OI.

[Slide 30] The first two questions, questions 1 and 2, which are consistent across almost all of the eligibility categories, require that the EDT discuss determinant factors related to the child's performance, specifically the lack of appropriate instruction in reading and math, as well as limited English proficiency. Essentially EDTs must consider all of the factors contributing to the child's difficulties

New Mexico TEAM Professional Development Module: Orthopedic Impairment

and decide which factors are the primary cause or causes of the child's difficulties. Like all decisions, these decisions must be made based on comprehensive evaluation data and with the input of all of the members of the EDT. It is important that EDTs recognize that a child may have experienced a lack of appropriate instruction and/or have limited English proficiency, but if these factors are not the primary reasons for the child's difficulties, they would not be considered determinant factors. Once the EDT has ruled out either of these factors, they check "Yes" on the Worksheet. This communicates that "Yes, they have eliminated the possibility that one of these factors is a determinant factor." If the EDT is considering more than one potential eligibility category, these first two questions would be answered the same and use the same documentation across all of the categories. EDTs may find it useful to complete multiple worksheets simultaneously if they are considering more than one eligibility category. Additionally, EDTs should remember that lack of appropriate instruction for preschool-aged children is considered to be a lack of opportunities to participate in developmentally appropriate activities. It is important to remember that the lack of opportunities must be due to a reason other than the nature of the child's disability in order for it to be considered a determinant factor. For example, it may be that a young child has significant behavioral challenges that make it difficult for the family to involve the child in family and community activities. In this situation, even though the child has had a lack of opportunity to participate in these activities, EDTs should not consider this as the determinant factor for the child's learning difficulties. Rather, this information might be helpful and used as further documentation to support a decision that indicates that a child is eligible for special education and related services.

[Slide 31] The third question, questions 3, is unique to OI. To respond to this question, the team must determine that the child is a child with OHI, as defined by IDEA based on assessment and evaluation data collected by the EDT. EDTs should remember that medical information provided by parents and outside agencies may help answer this question, but it would only answer the question, "Does this child have OHI?" The medical information would not necessarily support that the child also requires specially designed instruction as a result of the OHI. That question will be answered by the EDT later.

[Slide 32] The fourth and final question to be addressed is also consistent across all eligibility categories, like the questions related to the determinant factors. In this case, the EDT is determining if any other eligibility category better describes the child's disability. It is possible that a child demonstrates more than one disability, but if the EDT determines that OI **best** describes the child's disability, they would respond "Yes, we've determined that no other category better describes the child's disability." On the other hand, if the child has OI but also has another disability and the other disability better describes the child, the EDT would answer "No, we've determined that another category better describes this child's disability." In either case, it is likely that the EDT will need to complete the "Determine the presence of a disability" section on one or more worksheets for the other eligibility categories being considered.

In addition to answering each of the questions "yes" or "no" in this section, it is critical that the EDT briefly describe the documentation that supported each of their decisions.

New Mexico TEAM Professional Development Module: Orthopedic Impairment

[Slide 33] Each of the four questions serves as a stopping point in the process if the EDT answers “no.” Once the EDT has answered “no” to any of the five questions, they have determined that the child is not a child with OI. If this occurs, the EDT should stop moving through those four questions. If the EDT either is not considering another potential eligibility category or has already completed the “Determine the presence of a disability” section for other potential categories, the EDT should move to the “Determination of eligibility for special education and related services” section of the worksheet. At this point, the EDT will document the determination that “The child is not eligible under the eligibility category of OI.” They also need to indicate why that decision was reached by indicating either that the child doesn’t have OI or that a different category best describes the child’s disability. The process then stops for this eligibility category.

The response to all of the four questions in this section of the worksheet must be “yes” in order to proceed to the section of the worksheet, “Determination of the need for specially designed instruction.” Remember, if you have even one “no” response, you skip over the “Determination of the need for specially designed instruction” section.

[Slide 34] To determine the need for specially designed instruction, using the assessment and evaluation data collected, the EDT must determine if, as a result of OI, the child requires special education and related services in one or more areas outlined in IDEA.

[Slide 35] These areas include: being involved in and making progress in the general education curriculum or developmentally appropriate activities; participating in extracurricular and other nonacademic activities; and/or being educated and participating with other children with and without disabilities. The EDT must answer “yes” to at least one of the questions in this section of the worksheet to say that the child requires specially designed instruction because of needs resulting from OI.

[Slide 36] After answering these three questions, the EDT moves into the final phase of the eligibility determination process—documenting the final eligibility determination decision. This section of the worksheet, “Determination of eligibility for special education and related services,” allows EDTs to document that either the child is eligible for special education and related services under the category of OI, is not eligible under the category of OI, or that more information needs to be collected to make a determination.

[Slide 37] If the EDT determines that the results of the evaluation indicate that the child requires specially designed instruction as a result of OI, the child would be eligible under the category of OI.

[Slide 38] If the EDT determines that the child is not eligible under the category of OI, they must indicate the rationale for that decision by checking one of the four options within that decision. These options allow EDTs to document either that the child doesn’t have OI or any other disability, that the child does not have OI, but is eligible under another eligibility category, that the child has OI but another eligibility category better describes the child’s primary disability, or that the child has OI, but doesn’t demonstrate

New Mexico TEAM Professional Development Module: Orthopedic Impairment

a need for specially designed instruction. This section allows for the documentation that a different eligibility category better describes the primary disability.

EDTs should clearly read the questions presented on the worksheet and determine which situation most accurately describes the child being evaluated. Any child who is found to be “not eligible” for special education and related services must be referred back to the SAT.

Finally, if the EDT is unable to make an eligibility determination, they may identify additional information that needs to be gathered. They would then reconvene later to make the final eligibility determination decision.

[Slide 39] Reevaluation and Discontinuation of Services

The Reevaluation worksheets in the NM TEAM will support the EDT through the documentation and decision-making process during reevaluations.

EDTs should remember that child with OI may make significant progress in terms of their medical program, technological supports, and academic programs. This progress may help to alleviate some of their educational concerns. EDTs must be sensitive to the needs of the child, any changes in their needs, and the impact of those on the child’s educational performance. The LEA must evaluate the child before determining that he is no longer a child with a disability. It is important to avoid prematurely discontinuing special education and related services for a child with OI, because they may have long-term support needs, depending on the nature of his disability. Any child whose special education supports and services are discontinued should be referred back to the SAT at his school to ensure that the child is supported during the transition and a Section 504 Accommodation Plan should be considered, as appropriate.

[Slide 39] Closing

Thank you for participating in this NM TEAM training module. We hope this information has been helpful in clarifying and expanding on the information presented in the manual.