

New Mexico TEAM Professional Development Module: Other Health Impairment

[Slide 1] Welcome

Welcome to the New Mexico TEAM technical assistance module on making eligibility determinations under the category of other health impairment, also called OHI. This module will review the guidance of the NM TEAM section on OHI. 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 OHI for reference during this module.

[Slide 2] Learner Objectives

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

[Slides 3-5] 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 OHI, 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 the child might require specially designed instruction as a result of OHI. 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 OHI 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?”

A child with OHI must have “limited strength, vitality, or alertness ... that results in limited alertness with respect to the educational environment.” This includes children who have a heightened alertness to the environment. We'll talk more about how this might be manifested in the classroom, but for now it is

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important to understand that when eligibility determination teams, or EDTs, are considering eligibility under the category of OHI, they would be looking for an indication that the child is having significant difficulty attending to instruction and activities at school. There are many different reasons that the child may be having these difficulties, such as fatigue or because they are highly distracted by other things in the environment.

[Slide 5] Additionally, the EDT must consider the underlying cause for this limited alertness in the educational environment. Under the IDEA definition of OHI, this limited alertness must be caused by a health problem. OHI includes a wide range of health concerns which negatively impact the child's access to or progress in the educational setting, including health problems that may be chronic (such as epilepsy or diabetes) or acute (like a heart condition or leukemia). Although many children may have a diagnosed health condition, teams must recognize that simply having a diagnosed health condition, without accompanying educational impact, does not meet criteria under this eligibility category.

Finally, 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. Now 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 OHI.

[Slides 6-12] Educational Performance

[Slide 6] 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 to address the child's needs.

[Slide 7] 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 8] 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 9] When evaluating a child for potential eligibility for special education and related services under the eligibility category of OHI, 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 10] 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

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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 11] 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 OHI 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. An example of this might be a child with OHI who requires supplementary aids and services to participate in after-school clubs. It's important to recognize that IDEA doesn't guarantee children access to competitive teams or groups **because** of their disability. However, they should be permitted to try out for the activities and/or teams. The New Mexico Activities Association does provide guidance regarding academic eligibility for participation for children enrolled in special education programs.

[Slide 12] 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 OHI 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 eligibility determination team, or 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 OHI on a child's education.

[Slide 13-17] Characteristics and Educational Impact

[Slide 13] We're going to highlight some of the developmental areas that are commonly impacted by OHI to help teams identify characteristics that may suggest that a child has OHI. As we discuss the different areas, we will highlight characteristics and educational impact for both preschool-aged and school-aged children with OHI. 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 OHI will

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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 OHI, the EDT must address 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.

[Slide 14] Under the category of OHI, the characteristics are organized around three domains: physical, social/emotional, pre-academic/academic. These domains each include a range of skills that may be impacted by OHI.

[Slide 15] When we are looking at the physical domain, we find that preschoolers with OHI may have difficulty walking or crawling through various environments, or they may have less opportunity to attend and engage in activities for appropriate lengths of time. School-aged children may not be able to engage in activities such as outside play or physical education, or may be absent frequently. For many other eligibility categories, a child's poor school attendance may have negative impact on the child's educational performance and may be determined to be an exclusionary factor. Under the category of OHI, however, if poor attendance is related to the underlying health condition, it should not be used to exclude eligibility under this category.

[Slide 16] In looking at the social/emotional domain, it is important to recognize that a child's social/emotional development may be impacted by limited opportunities for interactions with peers due to medical and/or health related concerns. For preschool-aged children, this could limit typical life experiences, such as participating in play groups or day care, while for school-aged children it may result in difficulty developing and maintaining friendships or working cooperatively because of limited social interactions. It is imperative that teams recognize that these limited opportunities provide additional evidence that the child may be eligible for special education and related services under the category of OHI. In some cases, teams consider a lack of opportunity to be a reason where a child cannot be found to have a disability, however, in the case of OHI, if the disability itself is causing the limitations, the lack of opportunity would not be considered an exclusionary factor and in fact would support the team's decision of eligibility.

[Slide 17] Delays in the development of pre-academic skills (reading, math) may result due to limited opportunities or difficulties maintaining focus/engagement with activities. For school-aged children, academic progress may be impacted by factors such as absences or difficulty with focus and task completion.

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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 OHI 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 and the learning that accompanies these activities.

[Slide 18] Special Considerations for Assessment

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. However, under the eligibility category of OHI, if the lack of exposure to developmentally appropriate activities can be linked to the underlying health impairment, then the child may qualify under OHI if all other eligibility criteria are met. 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 6 for more information on these issues.

Like all of the eligibility categories, OHI has unique characteristics that can influence the evaluation process. The primary factor that evaluators need to consider is the relationship between the child’s possible health condition and his performance during the evaluation process. Although IDEA specifically refers to sensory, motor, or speaking skills, it is also imperative that evaluators ensure that their assessment findings aren’t inadvertently impacted by the child’s attention, level of fatigue, pain, medication, or other factors.

It is necessary that the child meets the eligibility criteria outlined in the NM TEAM OHI chapter and on the corresponding eligibility determination worksheets.

[Slide 19-23] Initial Evaluation: Other Health Impairment

[Slide 19] 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 OHI are listed on the screen in front of you and in the NM TEAM under the OHI 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 OHI.

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Please remember that the assessments chosen must be tailored to assess specific areas of suspected disability and educational need. Assessment of children for whom OHI is suspected should be multidisciplinary and comprehensive and conducted by individuals experienced in evaluating individuals with OHI. There is no single definitive assessment for suspected OHI. Thus, the use of multiple tools, as well as the clinical judgment and skill of the professionals who conducted the evaluation, will ensure accurate findings. Please remember that the NM TEAM provides information about common characteristics of children with OHI—this information can help EDTs recognize “red flags” during the identification process.

First, let’s talk 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 OHI, the EDT should pay particular attention to the child’s medical history. Specifically, they should collect comprehensive data regarding the child’s medical needs and how those needs possibly relate to difficulties that the child is demonstrating in the educational environment.

[Slide 20] Second, to be found eligible under the category of OHI, EDTs should obtain information including the diagnosis of a health impairment. In most cases, this documentation will come from a licensed physician, however, consistent with OSEP guidance, the NM TEAM allows EDTs to make an eligibility determination of OHI without a medical diagnosis. If the EDT has the expertise to make an eligibility determination without a medical diagnosis and deems it appropriate to do so, they can use these data to make an eligibility determination decision. The EDT must document any decision to determine eligibility without documentation from a licensed physician, including the rationale and supporting documentation used.

EDTs must remember that medical documentation alone does not automatically provide sufficient evidence for an EDT to make an eligibility determination under the category of OHI. Instead, the EDT should use this medical information within the context of the difficulties the child is demonstrating within the educational environment to determine whether or not the child’s health concerns are having a negative impact on the child’s educational performance.

[Slide 21] Third, although a child’s academic performance should be assessed, EDTs should recognize that the academic performance of children with OHI may or may not be impacted. Some children with OHI 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 OHI, but they do need to show significant educational impact. The EDT must be able to clearly describe how the educational impact is linked to the child’s health impairment.

[Slide 22] Fourth, if the child is demonstrating difficulties with attention, focus, and/or hyperactivity, the EDT should ensure that the evaluation includes assessment and documentation of the child’s behaviors

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of concern. These assessments should include formal assessments such as behavior rating scales or checklists, direct observations across multiple settings (including the classroom), and a functional behavioral assessment. These assessments will need to be planned and conducted in such a way as to obtain an accurate and complete representation of the child's behaviors. The specific tools and strategies used will vary depending on the needs of the child, but it is essential that the EDT assess and document these behaviors as part of the comprehensive evaluation.

[Slide 23] 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 24] 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 OHI. 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.

Under the eligibility category of OHI, the possible additional components include assessments of cognitive abilities; speech, language, and communication skills; motor skills; and assistive technology needs. These components will be selected on an individual basis for each child depending on the questions and needs identified by the EDT. Because the eligibility category of OHI includes children with a wide variety of health concerns, it is not possible for us to provide you with specific information regarding when each of these assessments would be necessary. EDTs should carefully consider the reasons for the referral for the evaluation, any questions that arise as part of the evaluation process, and the information necessary to determine whether the child is demonstrating the characteristics of OHI, of another eligibility category, or of a child without a disability, as defined by IDEA and NMAC.

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[Slides 25-37] Eligibility Determination Process for Other Health Impairment

[Slide 25] Before we examine criteria that are specific to the eligibility determination decision for OHI, 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 Process 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 OHI chapter of the NM TEAM.

To determine that a child is eligible for special education and related services as a child with OHI, 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 26] 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 OHI worksheet as a guide for the rest of this discussion.

[Slide 27] 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 28] 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 OHI.

[Slide 29] 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 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. Again, if the reason that the child has had a lack of appropriate instruction is that his health concerns have led to frequent absences or a decreased ability to attend to educational opportunities, the EDT would likely decide that “lack of appropriate instruction” is not the **primary** reason for the child’s difficulties. Instead, the child’s health impairment would be the **primary** reason and the lack of appropriate instruction would be **secondary**. In addition, it is important that the child has received appropriate interventions directly related to their health concern in order to determine that lack of appropriate instruction is not a

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primary reason for the child's difficulties. In other words, if a child is demonstrating difficulty with educational activities due to fatigue, then the EDT must be able to document how the child's educational program was adjusted to address the issue of fatigue and the child's response to those interventions. Without this documentation, EDTs are not able to determine if the child has received appropriate instruction and supports. Once the EDT has ruled out either the factors of lack of appropriate instruction and/or limited English proficiency, 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 medical or health 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 30] The third question is unique to OHI. 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 is typically used to answer this question. The medical information 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 31] 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 OHI **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 OHI 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.

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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.

[Slide 32] 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 four questions, they have determined that the child is not a child with OHI. 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 OHI.” They also need to indicate why that decision was reached by indicating either that the child doesn’t have OHI 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 33] To determine the need for specially designed instruction, using the assessment and evaluation data collected, the EDT must determine if, as a result of OHI, the child requires special education and related services in one or more areas outlined in IDEA.

[Slide 34] 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 OHI.

[Slide 35] 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 OHI, is not eligible under the category of OHI, or that more information needs to be collected to make a determination.

[Slide 36] If the EDT determines that the results of the evaluation indicate that the child requires specially designed instruction as a result of OHI, the child would be eligible under the category of OHI.

[Slide 37] If the EDT determines that the child is not eligible under the category of OHI, 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 OHI or any other disability, that the

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child does not have OHI, but is eligible under another eligibility category, that the child has OHI but another eligibility category better describes the child's primary disability, or that the child has OHI, but doesn't demonstrate 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 to the SAT.

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

[Slide 38] 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 OHI 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 health 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 OHI, because they may have long-term support needs, depending on the nature of the health problems. 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.