

## Quick Guide: Other Health Impairment

### What is Other Health Impairment?

An Other Health Impairment is a disability category under IDEA '04.

It is characterized by a student having a chronic or acute health problem that limits the student's strength, vitality, or alertness that adversely affects a child's educational performance. The student's alertness may include a heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment.

The health problem may include, but **is not limited to**:

- asthma
- Attention Deficit Disorder (ADD) or Attention Deficit Hyperactivity Disorder (ADHD)
- diabetes
- epilepsy
- heart condition
- hemophilia
- lead poisoning
- leukemia
- nephritis
- rheumatic fever
- sickle cell anemia, and
- Tourette's Syndrome.

The multidisciplinary team must collect or review evaluation data to determine the student's eligibility based on this category of disability. The evaluation should include information as to how the health problem affects the child's educational performance. The multidisciplinary team must include a licensed physician.

*Note: A diagnosis of a medical or health condition alone does not, in itself, determine eligibility for special education services. Not every student with a medical or health condition will meet the eligibility criteria as a student with Other Health Impairment.*

### What Are the Criteria for Eligibility As A Student with Other Health Impairment?

Eligibility Criteria § 89.1040(c)

(8) Other Health Impairment. A student with other health impairment is one who has been determined to meet the criteria for other health impairment 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's Disorder as stated in 34 CFR, §300.8(c)(9). The multidisciplinary team that collects or reviews evaluation data in connection with the determination of a student's eligibility based on other health impairment must include a licensed physician.

Child with a disability § 300.8

(9) Other health impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that--

(i) 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

(ii) Adversely affects a child's educational performance.

### **What Does the Legal Framework for the Child-Centered Process Say?**

Legal Framework: <http://fw.esc18.net/frameworkdisplayportlet/ESC18-FW-Summary.aspx?FID=141>

#### **Other Health Impaired:**

Authorities: 20 U.S.C. §§ 1401, 1414; 34 C.F.R. Part 300; 19 T.A.C. Chapter 89  
The child must be assessed in all areas of suspected disability.

#### **Group of Qualified Professionals:**

The group must comply with the EVALUATION PROCEDURES framework.  
The group must include, but is not limited to a licensed physician.

#### **Criteria:**

A child may be considered to be a child with an Other Health Impairment if:

- The child has chronic or acute health problems:
  - Such as asthma;
  - Such as attention deficit disorder (ADD) or attention deficit hyperactivity disorder (ADHD);
  - Such as diabetes;
  - Such as epilepsy;
  - Such as a heart condition;
  - Such as hemophilia;
  - Such as lead poisoning;
  - Such as leukemia;
  - Such as nephritis;
  - Such as rheumatic fever;
  - Such as sickle cell anemia; and
  - Such as Tourette Syndrome
- The health problems manifest themselves as:
  - Limited strength;
  - Limited vitality;
  - Limited alertness;

- Including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment;
- The Other Health Impairment adversely affects a child’s educational performance; and
- By reason of the Other Health Impairment, the child needs special education and related services.

**Eligibility Determination:**

The Determination of Eligibility must be made by the ARD committee.

**Frequently Asked Questions:**

***When We Conduct a Review of Existing Evaluation Data (REED), Do We Need To Get a New OHI Eligibility Form Signed By a Licensed Physician?***

When a Review of Existing Evaluation Data (REED) is conducted and the ARDC determines no additional data is needed, then the REED would suffice for continued eligibility. (For additional information on LEA requirements, see the TEA REED FAQ at: <http://www.tea.state.tx.us/index2.aspx?id=2147500009>)

**What Does the Commissioner’s Rules Guidance Say About Other Health Impairment?**

***What has been added to the list of conditions included under the other health impairment eligibility definition? (§89.1040 Eligibility Criteria Frequently Asked Questions)***

Language has been added for clarification listing the conditions currently in federal regulations, including the recently added health impairment, Tourette’s Disorder. The list of conditions is not exhaustive. In addition, a child is not automatically eligible for special education and related services if the child is diagnosed with such a condition. In the current diagnostic manual classification system, Attention Deficit Disorder is referred to “ADHD predominantly inattentive type”. The common understanding of the phrase “attention deficit disorder or attention deficit hyperactivity disorder”, as used in the Individuals with Disabilities Education Act (IDEA 2004) regulations, is inclusive of the disorder in general. In addition, the term “attention deficit disorder” is still commonly used in evaluations. TAC 89.1040(c)(8)

**References**

19 T.A.C. Chapter 89

34 C.F.R. Part 300

Texas Education Agency. (2010). §89.1040 Eligibility Criteria Frequently Asked Questions. Retrieved from <http://ritter.tea.state.tx.us/special.ed/guidance/eligibilityfaq.pdf>

Texas Education Agency. (2011). Review of Existing Evaluation Data Frequently Asked Questions. Retrieved from <http://www.tea.state.tx.us/index2.aspx?id=2147500009>

Region 18, Education Service Center and Texas Education Agency. (2010). The Legal Framework for the Child-Centered Special Education Process-Other Health Impairment. Retrieved from <http://fw.esc18.net/frameworkdisplayportlet/ESC18-FW-Summary.aspx?FID=141>

### **Resources**

<http://www.nichcy.org/Disabilities/Specific/pages/healthimpairment.aspx>

<http://www.nichcy.org/Disabilities/Specific/Pages/ADHD.aspx>

<http://www.nichcy.org/Disabilities/Specific/Pages/OHI-diabetes.aspx>

<http://www.nichcy.org/Disabilities/Specific/Pages/Epilepsy.aspx>

<http://www.nichcy.org/Disabilities/Specific/Pages/heartconditions.aspx>

<http://www.nichcy.org/Disabilities/Specific/Pages/OHI-hemophilia.aspx>

<http://www.nichcy.org/Disabilities/Specific/Pages/OHI-lead.aspx>

<http://www.nichcy.org/Disabilities/Specific/Pages/OHI-leukemia.aspx>

<http://www.nichcy.org/Disabilities/Specific/Pages/OHI-nephritis.aspx>

<http://www.nichcy.org/Disabilities/Specific/Pages/rheumatic.aspx>

<http://www.nichcy.org/Disabilities/Specific/Pages/OHI-sicklecell.aspx>

<http://www.nichcy.org/Disabilities/Specific/Pages/OHI-tourette.aspx>

[http://www.cec.sped.org/AM/Template.cfm?Section=Other\\_Health\\_Impaired&Template=/TaggedPage/TaggedPageDisplay.cfm&TPLID=37&ContentID=5631](http://www.cec.sped.org/AM/Template.cfm?Section=Other_Health_Impaired&Template=/TaggedPage/TaggedPageDisplay.cfm&TPLID=37&ContentID=5631)