# Best Practices in Evaluating Children Age 3-5 Years

**NCEC**

| **89.1040(c)(13)** |
| --- |
| **19 Texas Administrative Code § 89.1040. Eligibility Criteria.** ... (c)  Eligibility definitions. ...  (13)  **Noncategorical.** A student between the ages of 3-5 who is evaluated as having an intellectual disability, an emotional disturbance, a specific learning disability, or autism may be described as noncategorical early childhood.  Last Amended:  December 2, 2015, 40 TexReg 8642  Entered:  Dec. 8, 2015 SBS |
|  |

**Intellectual Disability**

| **89.1040(c)(5)** |
| --- |
| **19 Texas Administrative Code § 89.1040. Eligibility Criteria.**  ... (c)  Eligibility definitions. ...  (5)  Intellectual disability. A student with an intellectual disability is one who has been determined to meet the criteria for an intellectual disability as stated in 34 CFR, §300.8(c)(6). In meeting the criteria stated in 34 CFR, §300.8(c)(6), a student with an intellectual disability is one who:  (A)  has been determined to have significantly sub-average intellectual functioning as measured by a standardized, individually administered test of cognitive ability in which the overall test score is at least two standard deviations below the mean, when taking into consideration the standard error of measurement of the test; and  (B)  concurrently exhibits deficits in at least two of the following areas of adaptive behavior: communication, self-care, home living, social/interpersonal skills, use of community resources, self-direction, functional academic skills, work, leisure, health, and safety.  ...   Last Amended:  December 2, 2015, 40 TexReg 8642  Entered:  Dec. 8, 2015 SBS |

**Autism**

| **300.8(c)(1)(i)** |
| --- |
| **34 Code of Federal Regulations § 300.8. Child with a disability.**      ...   (c) Definitions of disability terms The terms used in this definition of a child with a disability are defined as follows:     (1)       (i) **Autism** means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, that adversely affects a child ’ s educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences.        (ii) Autism does not apply if a child ’ s educational performance is adversely affected primarily because the child has an emotional disturbance, as defined in paragraph (c)(4) of this section.  …  Last Amended:  72 FR 61306, Oct. 30, 2007 Entered:  June 10, 2009 |

**Multiple disabilities**

| **300.8(c)(7)** |
| --- |
| **34 Code of Federal Regulations § 300.8. Child with a disability.**     ...   (c) Definitions of disability terms The terms used in this definition of a child with a disability are defined as follows:     ...    (7) **Multiple disabilities** means concomitant impairments (such as mental retardation-blindness or mental retardation-orthopedic impairment), the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. Multiple disabilities does not include deaf-blindness.     ...  Last Amended:  72 FR 61306, Oct. 30, 2007 Entered:  June 10, 2009 |
|  |
| 89.1040(c)(6)(A) |
| 19 Texas Administrative Code § 89.1040. Eligibility Criteria.  ... (c)  Eligibility definitions. ...   (6)  Multiple disabilities.  (A)  A student with multiple disabilities is one who has been determined to meet the criteria for multiple disabilities as stated in 34 CFR, §300.8(c)(7). In meeting the criteria stated in 34 CFR, §300.8(c)(7), a student with multiple disabilities is one who has a combination of disabilities defined in this section and who meets all of the following conditions:  (i)  the student's disability is expected to continue indefinitely; and  (ii)  the disabilities severely impair performance in two or more of the following areas:  (I)  psychomotor skills;  (II)  self-care skills;  (III)  communication;  (IV)  social and emotional development; or  (V)  cognition. ...  Last Amended:  December 2, 2015, 40 TexReg 8642  Entered:  Dec. 8, 2015 SBS |
|  |

**Deaf-blindness**

|  |
| --- |
| 300.8(c)(2) |
| 34 Code of Federal Regulations § 300.8. Child with a disability.      ...   (c) Definitions of disability terms  The terms used in this definition of a child with a disability are defined as follows:        ...    (2) **Deaf-blindness** means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.     ...  Last Amended:  72 FR 61306, Oct. 30, 2007 Entered:  June 10, 2009 |
|  |
| 89.1040(c)(2) |
| 19 Texas Administrative Code § 89.1040. Eligibility Criteria.  ... (c)  Eligibility definitions. ...  (2)  Deaf-blindness. A student with deaf-blindness is one who has been determined to meet the criteria for deaf-blindness as stated in 34 CFR, §300.8(c)(2). In meeting the criteria stated in 34 CFR, §300.8(c)(2), a student with deaf-blindness is one who, based on the evaluations specified in subsections (c)(3) and (c)(12) of this section:  (A)  meets the eligibility criteria for auditory impairment specified in subsection (c)(3) of this section and visual impairment specified in subsection (c)(12) of this section;   (B)  meets the eligibility criteria for a student with a visual impairment and has a suspected hearing loss that cannot be demonstrated conclusively, but a speech/language therapist, a certified speech and language therapist, or a licensed speech language pathologist indicates there is no speech at an age when speech would normally be expected;  (C)  has documented hearing and visual losses that, if considered individually, may not meet the requirements for auditory impairment or visual impairment, but the combination of such losses adversely affects the student's educational performance; or  (D)  has a documented medical diagnosis of a progressive medical condition that will result in concomitant hearing and visual losses that, without special education intervention, will adversely affect the student's educational performance. ...  Last Amended:  December 2, 2015, 40 TexReg 8642  Entered:  Dec. 8, 2015 SBS |
|  |