

# **GAINESVILLE INDEPENDENT SCHOOL DISTRICT SPECIAL EDUCATION OPERATING PROCEDURES: OTHER HEALTH IMPAIRMENT**

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The Gainesville ISD has entered into an Interlocal Agreement to cooperatively operate its special education programs under the authority of Tex. Ed. Code § 11.157. The Denton County Special Education Services Cooperative may provide for the efficient delivery of legally required special education and related services to the Gainesville’s eligible students with disabilities as set forth in the Interlocal Agreement, including the implementation of these Special Education Operating Procedures.

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**Gainesville ISD Board Policy along with these *Special Education Operating Procedures* constitute the Policies and Procedures of Gainesville ISD, designed to be consistent with the State policies and procedures developed pursuant to the IDEA. Gainesville ISD *Special Education Operating Procedures* are not to be for the purpose of creating a requirement that is not otherwise imposed by the Individuals with Disabilities Education Improvement Act (“IDEA”), together with its implementing federal regulations, state statutes and rules, as they shall from time to time be amended, and shall not be construed to create a higher standard than that established by IDEA. These *Special Education Operating Procedures* will be posted on Gainesville ISD’s website. These *Special Education Operating Procedures* should be interpreted consistent with the IDEA. Gainesville ISD’s *Special Education Operating Procedures* are reviewed and updated, as needed, on at least an annual basis. Gainesville ISD will make timely changes to policies and procedures in response to IDEA amendments, regulatory or rule changes, changes to state policy, or new legal interpretation as are necessary to bring Gainesville ISD into compliance with the requirements of IDEA. Gainesville ISD maintains systems to ensure that all students with disabilities residing in the District, including students with disabilities attending non-public schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and provided a free appropriate public education. Gainesville ISD maintains systems to ensure that students with disabilities and their parents are afforded the procedural safeguards required under the IDEA (and its implementing federal regulations, state statutes and rules) including with respect to the confidentiality of records and personally identifiable information.**

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## **OTHER HEALTH IMPAIRMENT**

A student may be eligible for special education and related services as a student with Other Health Impairment (OHI) if the student exhibits limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, resulting in limited alertness in the educational environment, which is due to chronic or acute health problems, and by reason thereof demonstrates an educational need for specially designed instruction.<sup>1</sup>

This disability category includes such health conditions 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.<sup>2</sup> The list of acute or chronic health conditions in the definition of OHI is not exhaustive, but rather provides examples of problems that children have that could make them eligible for special education and related services under the category of other health impairment.<sup>3 4</sup>

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<sup>1</sup> 34 C.F.R. § 300.8(c)(9)

<sup>2</sup> *Id.*

<sup>3</sup> 71 Fed. Reg. 46550 (August 14, 2006)

<sup>4</sup> *Letter to Sterner* (OSEP 8/19/1998)

The group of qualified professionals 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, a physician assistant or an advanced practice registered nurse, with authority delegated under the Texas Occupation Code.<sup>5</sup> “Medical services” under IDEA are defined as services provided by a licensed physician to determine whether a child has a medically related disabling condition, which results in the child's need for special education and related services.<sup>6</sup> The District will ensure that such services are at no cost to the parent.<sup>7</sup>

**PRACTICE GUIDE—When areas of assessment require the input of a licensed physician, physician assistant, or advanced practice registered nurse, such as when considering an Other Health Impairment (OHI), the District may either arrange to have the student examined at District expense by a professional selected by the District or choose to have a professional who has previously treated the student complete the OHI form. When the District elects to have a professional who has previously treated the student complete the OHI form or otherwise provide evaluative input, the District should seek the parent's or guardian's consent for disclosure and exchange of confidential information with the student's treating professional.**

The group of qualified professionals conducting an evaluation of a student suspected of having an OHI will conduct assessments and observations, and collect data, as necessary for the ARD Committee to make an eligibility determination.<sup>8</sup>

## **FOR MORE INFORMATION**

In Texas, eligibility is determined by the student’s Admission, Review and Dismissal (ARD) committee.<sup>9</sup> The phrase *multidisciplinary team* refers to the group of District staff tasked with using a variety of assessment tools and strategies to gather relevant functional, academic and developmental information about the student, including information provided by the parent, as part of the special education evaluation process.<sup>10</sup> For more information, please contact The Director of Special Education.

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**Demonstrations of this procedure’s implementation may include, but are not limited to, examples such as:**

<sup>5</sup> 19 TEX. ADMIN. CODE §89.1040(c)(8)

<sup>6</sup> 34 C.F.R. § 300.34(c)(5)

<sup>7</sup> *Letter to Anonymous* (OSEP 6/3/2020)

<sup>8</sup> *Alvin Independent School District v. A.D.*, 503 F.3d 378 (5<sup>th</sup> Cir. 2007)(Student was not eligible under IDEA because he had passing grades and success on state skills test evidencing academic progress; his teachers testified that, despite his behavioral issues, he did not need special education and was achieving social success in school; many of his behavioral problems resulted from non-ADHD related issues like alcohol abuse and a death in the family).

<sup>9</sup> 19 TEX. ADMIN. CODE § 89.1040(b); 19 TEX. ADMIN. CODE § 89.1050(a)(5)

<sup>10</sup> 34 C.F.R. § 300.306

- Multi-Tiered Systems of Support or Response to Intervention Data
- Student specific data collection and monitoring
- Observation data
- Evaluation reports
- Collection of information from parents and independent service providers
- ARD committee reports
- Written request for consent to exchange confidential information with licensed physician, physician assistant, or advanced practice registered nurse