

## **157.200 Definitions for KRS 157.200 to 157.290.**

- (1) "Exceptional children and youth" means persons under twenty-one (21) years of age who differ in one (1) or more respects from same-age peers in physical, mental, learning, emotional, or social characteristics and abilities to such a degree that they need special educational programs or services for them to benefit from the regular or usual facilities or educational programs of the public schools in the districts in which they reside. The Department of Education, through administrative regulations promulgated by the Kentucky Board of Education, shall interpret the statutory definitions of exceptionality. An exceptionality is any trait so defined in this section or by administrative regulations promulgated by the Kentucky Board of Education. Requirements of average daily attendance for exceptional classes shall be regulated by statute, or in the absence of direction by administrative regulations promulgated by the Kentucky Board of Education. Categories of exceptionalities included within, but not limited by, this definition are as follows:
  - (a) "Orthopedic impairment" means a severe physical impairment of bone or muscle which adversely affects educational performance to the extent that specially designed instruction is required for the pupil to benefit from education. The term includes physical impairments caused by congenital anomaly, disease, and from other causes;
  - (b) "Other health impaired" means limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, due to a chronic or acute health problem which adversely affects educational performance to the extent that specially designed instruction is required for the pupil to benefit from education. Chronic health problems may include, but are not be limited to, a heart condition, tuberculosis, sickle cell anemia, hemophilia, epilepsy, rheumatic fever, nephritis, asthma, lead poisoning, leukemia, diabetes, attention deficit disorder, attention deficit hyperactive disorder, or acquired immune deficiency syndrome;
  - (c) "Speech or language impairment" means a communication disorder such as stuttering, impaired articulation, impaired language, impaired voice, delayed acquisition of language, or absence of language that adversely affects educational performance to the extent that specially designed instruction is required for the pupil to benefit from education;
  - (d) "Hearing impairment" means a physiological hearing loss:
    1. Ranging from mild to profound, which is either permanent or fluctuating, and of such a degree that the pupil is impaired in the processing of linguistic information via the auditory channel either with or without amplification; or
    2. That adversely affects educational performance so that specially designed instruction is required for the child or youth to benefit from education.The term shall include both deaf and hard of hearing children;
  - (e) "Mental disability" means a deficit or delay in intellectual and adaptive

behavior functioning, which adversely affects educational performance to the extent that specially designed instruction is required for the pupil to benefit from education, and which is typically manifested during the developmental period;

- (f) "Specific learning disability" means a disorder in one (1) or more of the psychological processes primarily involved in understanding or using spoken or written language, which selectively and significantly interferes with the acquisition, integration, or application of listening, speaking, reading, writing, reasoning, or mathematical abilities. "Specific learning disability" may include conditions such as dyslexia, dyscalculia, dysgraphia, developmental aphasia, or perceptual motor disabilities. The disorder is lifelong, intrinsic to the individual, and adversely affects educational performance to the extent that specially designed instruction is required in order for the pupil to benefit from education. Determination of the existence of a specific learning disability shall include documentation that a child does not make sufficient progress in meeting age or grade-level content standards when provided with appropriate instruction and learning experiences delivered by qualified personnel, including the child's response to scientific, research-based interventions and additional information derived from an individual evaluation. The term does not include a learning problem which is primarily the result of:
  - 1. A hearing impairment;
  - 2. Visual, physical, mental, or emotional-behavioral disabilities;
  - 3. Environmental, cultural, or economic differences; or
  - 4. Limited English proficiency;
- (g) "Emotional-behavioral disability" means a condition characterized by behavioral excess or deficit which significantly interferes with a pupil's interpersonal relationships or learning process to the extent that it adversely affects educational performance so that specially designed instruction is required in order for the pupil to benefit from education;
- (h) "Multiple disability" means a combination of two (2) or more disabilities resulting in significant learning, developmental, or behavioral and emotional problems, which adversely affects educational performance and, therefore, requires specially designed instruction in order for the pupil to benefit from education. A pupil is not considered to have a multiple disability if the adverse effect on educational performance is solely the result of deaf-blindness or the result of speech or language disability and one (1) other disabling condition;
- (i) "Deaf-blind" means auditory and visual impairments, the combination of which creates such severe communication and other developmental and learning needs that the pupil cannot be appropriately educated in special education programs designed solely for pupils with hearing impairments, visual impairments, or severe disabilities, unless supplementary assistance is provided to address educational needs resulting from the two (2) disabilities;
- (j) "Visually disabled" means a visual impairment, which, even with correction,

adversely affects educational performance to the extent that specially designed instruction is required for the pupil to benefit from education. The term includes both partially seeing and blind pupils;

- (k) "Developmental delay" means a significant discrepancy between a child's current level of performance in basic skills such as cognition, language or communication, self-help, social-emotional, or fine or gross motor, and the expected level of performance for that age. The term shall be used only with children ages three (3) through eight (8);
- (l) "Traumatic brain injury" means an acquired impairment to the neurological system resulting from an insult to the brain which adversely affects educational performance and causes temporary or permanent and partial or complete loss of:
  1. Cognitive functioning;
  2. Physical ability; or
  3. Communication or social-behavioral interaction.

The term does not include a brain injury that is congenital or degenerative, or a brain injury induced by birth trauma;

- (m) "Autism" means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three (3), that adversely affects educational performance. Characteristics of autism include:
  1. Engagement in repetitive activity and stereotyped movement;
  2. Resistance to environmental change or change in daily routine; and
  3. Unusual responses to sensory experience.

The term does not include children with characteristics of an emotional-behavioral disability; and

- (n) "Gifted and talented student" means a pupil identified as possessing demonstrated or potential ability to perform at an exceptionally high level in general intellectual aptitude, specific academic aptitude, creative or divergent thinking, psychosocial or leadership skills, or in the visual or performing arts.
- (2) "Special education" means specially designed instruction to meet the unique needs of an exceptional child or youth.
- (3) "Special educational facilities" means physical facilities designed or adapted to meet the needs of exceptional children and youth, and approved according to regulations promulgated by the Kentucky Board of Education.
- (4) "Related services" means transportation and the developmental, corrective, and other supportive services required to assist an exceptional child or youth to benefit from special education, and may include, but are not limited to, speech-language pathology and audiology services; psychological services; physical and occupational therapy; recreation, including therapeutic recreation; early identification and assessment of disabilities; counseling services, including rehabilitation counseling; orientation and mobility services; medical services for diagnostic or evaluation

purposes; school health services; social work services in schools; and parent counseling and training.

- (5) "Transition services" means a coordinated set of activities for a pupil designed within an outcome-oriented process, that promotes movement from school to postschool activities. The term includes:
- (a) Postsecondary education;
  - (b) Vocational training; and
  - (c) Integrated employment, including supported employment, continuing and adult education, adult services, independent living, or community participation.

The coordinated set of activities shall be based on the individual pupil's needs, taking into account the pupil's preferences and interests, and shall include instruction, community experience, the development of employment, and other postschool adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation.

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**History:** Amended 2012 Ky. Acts ch. 45, sec. 2, effective July 12, 2012. -- Amended 2001 Ky. Acts ch. 95, sec. 2, effective June 21, 2001. -- Amended 1998 Ky. Acts ch. 514, sec. 5, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 362, sec. 6, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 280, sec. 1, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 377, sec. 1, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 476, Pt. IV, sec. 282, effective July 13, 1990. -- Amended 1980 Ky. Acts ch. 183, sec. 7, effective July 15, 1980; and ch. 286, sec. 1, effective July 15, 1980. -- Amended 1978 Ky. Acts ch. 155, sec. 82, effective June 17, 1978. -- Amended 1976 Ky. Acts ch. 345, sec. 2. -- Amended 1974 Ky. Acts ch. 53, sec. 1. -- Amended 1972 Ky. Acts ch. 16, sec. 1. -- Amended 1970 Ky. Acts ch. 46, sec. 1. -- Amended 1962 Ky. Acts ch. 169, sec. 1. -- Amended 1956 Ky. Acts ch. 162, sec. 1. -- Created 1948 Ky. Acts ch. 4, sec. 1.