

Federal Regs:

34 CFR 300.8(a): "Child with a disability means a child evaluated in accordance with Secs. 300.304 through 300.311 as having mental retardation, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance (referred to in this part as "emotional disturbance"), an orthopedic impairment, autism, traumatic brain injury, an other health impairment, specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services."

In section (c) each disability is defined and each definition includes the language "that adversely affects a child's education performance" except for deaf-blindness, multiple disabilities and specific learning disability.

No definition of "adverse affect" in federal law - so look to state law.

VT Rule 2362 - Eligibility:

Child eligible if:

"(1) He or she has one or more of the disabilities described in Rule 2362.1;

(2) The disability results in an adverse effect on the child's education performance in one or more of the basic skill areas as described in subsection (f) below; and

(3) The student needs special education services to benefit from his or her educational program and this support cannot be provided through the educational support system, standard instructional conditions or supplementary aids and services provided in the school."