



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

AUG 19 1998

Mr. Robert Sterner  
Parent Educator  
Parents' Place of Maryland, Inc.  
7257 Parkway Drive, Suite 210  
Hanover, MD 21076

Dear Mr. Sterner:

This is in response to your letter written to the Office of Special Education Programs (OSEP), dated April 29, 1998. In your letter, you ask whether the classification "other health impairment" can be used to establish eligibility under Part B of the Individuals with Disabilities Education Act (Part B) for children with multiple chemical sensitivities (MCS).

Under current regulations implementing Part B, a child can be eligible under the "other health impairment" (OHI) category in 34 CFR §300.7(b)(8) if the child has a chronic or acute health problem that results in limited strength, vitality, or alertness, that adversely affects educational performance. 34 CFR §300.7(b)(8). In your letter, you ask whether the OHI classification "is sufficiently encompassing to include MCS."

On September 16, 1991, the Department issued a Memorandum entitled "Clarification of Policy to Address the Needs of Children with Attention Deficit Disorders within General and/or Special Education" (copy enclosed). This Memorandum discusses eligibility of children with Attention Deficit Disorder (ADD) under the "other health impairment" category and explains:

The list of chronic or acute health problems included within the definition of "other health impaired" in the Part B regulations is not exhaustive. The term "other health impaired" includes chronic or acute impairments that result in limited alertness, which adversely affects educational performance.

Memorandum at 3.

This Memorandum was intended to clarify, among other matters, how children with ADD could be eligible for services under Part B under the OHI category. Like ADD, although MCS is not mentioned in the OHI category as an example of a chronic or acute health problem that adversely affects educational performance, there is nothing in Part B that would preclude application of this category to children with MCS if the criteria applicable to the OHI category are satisfied. This means that the child must

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experience limited strength, vitality, or alertness due to the MCS that adversely affects educational performance.

We hope that you find this explanation helpful. If we can be of further assistance, please contact Dr. JoLeta Reynolds or Ms. Rhonda Weiss in OSEP at (202) 205-5507.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas Hehir".

Thomas Hehir  
Director  
Office of Special Education  
Programs

Enclosure

cc: Carol Ann Baglin  
Maryland Department of Education