



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATION  
**SERVICES**

*SEP 14 1999*

Mr. Anthony w. Coe  
School Psychologist  
Panama-Buena Vista Union School District  
4200 Ashe Road  
Bakersfield, California 93313

Dear Mr. Coe:

This is in response to your letter received in the Office of Special Education Programs (OSEP) on June 28, 1999, which transmitted an earlier letter written to this Office, concerning eligibility of children with pervasive developmental disorder (PDD) for special education and related services. Please excuse the delay in responding.

In your letter you ask the following four questions with regard to the current regulations under Part B of the Individuals With Disabilities Education Act as amended in 1997 (IDEA'97):

- 1) Is PDD a disability category?;
- 2) Is only autism, under PDD, a disability category?;
- 3) Is PDD-Not Otherwise Specified, including Atypical Autism, classified as Autism?; and
- 4) Are all five categories in the [Diagnostic and Statistical Manual of Mental Disorder-Fourth Edition] (DSM-IV) under PDD simply part of the autism spectrum disorder, and therefore, are all the five categories classified as autism?

As you properly note in your letter the definitions of conditions or categories that are used for purposes of establishing an individual's eligibility for mental health services, as found in the DSM-IV, are not synonymous with criteria used for determining whether a child is a "child with a disability" for purposes of establishing eligibility for services under the regulations to IDEA'97. The regulations define the term in relevant part as follows:

- (a) General. (1) As used in this part, the term child with a disability means a child evaluated in accordance with §§300.530-300.536 as having mental retardation, a hearing

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impairment including deafness, a speech or language impairment, a visual impairment including blindness, serious emotional disturbance (hereafter referred to as emotional disturbance), an orthopedic impairment, autism, traumatic brain injury, an other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services.

34 CFR §300.7(a)(1)

With respect to children aged 3 through 9 experiencing developmental delays, paragraph (b) of §300.7 provides as follows:

The term *child with a disability* for children aged 3 through 9 may, at the discretion of the State and LEA and in accordance with §300.313, include a child--

(1) Who is experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development; and

(2) Who, by reason thereof, needs special education and related services.

34 CFR §300.7 (b) (1) - (2) .

Paragraph (c) contains definitions of the distinct disability categories listed in paragraph (a) of 34 CFR §300.7. For purposes relevant to your inquiry, the definition of "autism" at 34 CFR §300.7(c)(1) is relevant. States also may have criteria for eligibility of children under the disability categories identified in the Part B regulations, so long as those State criteria are consistent with the Federal definitions.

The definition of "autism" contained in the Part B regulations published on March 12, 1999, implementing statutory changes made by IDEA '97, is essentially the same as that contained in the prior regulation and note following the regulation, published on September 29, 1992. The note following the prior regulation has been incorporated into the current regulatory definition to

specify that if a child manifests characteristics of autism after age three, the child could be diagnosed as having autism if the criteria in that definition are satisfied.

While Part B does not explicitly mention PDD, we believe that a child with PDD could be found eligible for services under Part B if, through an appropriate evaluation, the team determines that the child's condition meets one of the disability categories described in §300.7 of the Part B regulations, including the applicable State diagnostic criteria, and because of that disability, the child needs special education and related services. Some States' diagnostic criteria for autism explicitly recognize that a PDD diagnosis satisfies the definition of autism for Part B purposes. In other instances, a child who does not meet the definition and diagnostic criteria for autism, may meet the definition and diagnostic criteria for another disability category, such as other health impairment.

In addition, children with PDD aged 3 through 9 can be classified as developmentally delayed if the State and LEA utilize that classification, and if the PDD constitutes a developmental delay under applicable diagnostic criteria. Further, IDEA '97 clarifies that "[n]othing in the Act requires that a child be classified by their disability so long as each child who has a disability listed in §300.7 and who, by reason of that disability, needs special education and related services, is regarded as a child with a disability under Part B of the Act." 34 CFR §300.125(d).

For additional guidance regarding your concerns and information about applicable diagnostic criteria used in California, you should contact the named official of the California State Department of Education (CDE) at the following address and telephone number:

Dr. Alice Parker  
State Director  
Special Education Division  
California State Department of Education  
515 L Street, #270  
Sacramento, CA 95814  
Telehone: (916)445-4613

We hope that you find this explanation helpful. If we can be of further assistance, please contact Ms. Ellen Safranek, the California Part H State contact in the Monitoring and State Improvement Planning Division at (202)205-9131, or or. JoLeta Reynolds or Ms. Rhonda Weiss of OSEP's policy unit at (202)205-5507, or (202)205-9053 ,respectively.

Sincerely,

Patricia J. Guard Acting Director  
Office of Special Education  
Programs

cc:  
Dr. Alice Parker  
California State Department of Education