

DoD Directive 1342.6<sup>1</sup>, and DoD Directive 1342.13<sup>2</sup> for providing the following:

(1) A free appropriate public education (FAPE) for children with disabilities who are eligible to enroll in the Department of Defense Dependent Schools (DoDDS).

(2) Early intervention services for infants and toddlers birth through age 2 years who, but for their age, would be eligible to enroll in the DoDDS under DoD Directive 1342.13.

(3) A comprehensive and multidisciplinary program for early intervention services for infants and toddlers with disabilities and their families.

(b) Establishes a National Advisory Panel (NAP) on Education for Children with Disabilities, ages 3 to 21, inclusive, and a DoD Inter-Component Council (ICC) on Early Intervention, in accordance with DoD Directive 5105.4<sup>3</sup>.

(c) Establishes a DoD Coordinating Committee (DoD-CC) on Early Intervention, Special Education, and Medically Related Services (MRS).

(d) Authorizes implementing instructions consistent with DoD 5025.1-M<sup>4</sup>, and DoD forms consistent with DoD 83201-M<sup>5</sup>, DoD 8910.1-M<sup>6</sup>, and DoD Instruction 7750.7<sup>7</sup>.

#### § 57.2 Applicability and scope.

This part:

(a) Applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Unified Combatant Commands, the Inspector General of the Department of Defense, the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as “the DoD Components”).

(b) Does not apply to schools operated by the Department of Defense in the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the posses-

sions of the United States (excluding the Trust Territory of the Pacific Islands and Midway Islands).

(c) Applies to infants, toddlers, and children receiving or entitled to receive early intervention services or special educational instruction and related services from the Department of Defense, and their parents.

#### § 57.3 Definitions.

*Area superintendent.* The Superintendent of a DoDDS area, or designee.

*Assessment.* Techniques, procedures, and/or instruments used to measure the individual components of an evaluation.

*Assistive technology device.* Any item, piece of equipment, or product system that is used to increase, maintain, or improve functional capabilities of children with disabilities.

*Assistive technology service.* Any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device. That term includes the following:

(1) The evaluation of the needs of an individual with a disability, including a functional evaluation in the individual’s customary environment.

(2) Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by individuals with disabilities.

(3) Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices.

(4) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing educational and rehabilitative plans and programs.

(5) Training or technical assistance for an individual with disabilities, or the family of an individual with disabilities.

(6) Training or technical assistance for professionals (including individuals providing educational rehabilitative services), employers, or other individuals who provide services to employ, or are otherwise substantially involved in the major life functions of an individual with a disability.

<sup>1</sup> Copies may be obtained, at cost, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

<sup>2</sup> See footnote 1 to § 57.1(a).

<sup>3</sup> See footnote 1 to § 57.1(a).

<sup>4</sup> See footnote 1 to § 57.1(a).

<sup>5</sup> See footnote 1 to § 57.1(a).

<sup>6</sup> See footnote 1 to § 57.1(a).

<sup>7</sup> See footnote 1 to § 57.1(a).

*Audiology.* A service that includes the following:

- (1) Identification of children with auditory impairments.
- (2) Determination of the range, nature, and degree of hearing loss, and communication functions including referral for medical or other professional attention for the habilitation of hearing.
- (3) Provision of habilitative activities, such as language habilitation, auditory training, speech-reading (lip-reading), hearing evaluation, and speech conservation.
- (4) Creation and administration of programs for the prevention of hearing loss.
- (5) Counseling and guidance of pupils for the prevention of hearing loss.
- (6) Determination of the child's need for group and individual amplification, selecting and fitting an aid, and evaluating the effectiveness of amplification.

*Autism.* A development disability significantly affecting verbal and non-verbal communication and social interaction generally evident before age 3 that adversely affects educational performance. That term does not include a child with characteristics of the disability termed "serious emotional disturbance."

*Case study committee (CSC).* (1) A school-level team comprised of, among others, the principal, other educators, parents, and MRS providers who do the following:

- (i) Oversee screening and referral of children who may require special education.
- (ii) Oversee the multidisciplinary evaluation of such children.
- (iii) Determine the eligibility of the student for special education and related services.
- (iv) Formulate an individualized education curriculum reflected in an Individualized Education Program (IEP), in accordance with this part.
- (v) Monitor the development, review, and revision of IEPs.

(2) In addition to the required members of the CSC, other membership will vary depending on the purpose of the meeting. An area CSC, appointed by the DoDDS Area Superintendent, acts in the absence of a school CSC. Mem-

bers of an area CSC may be assigned to augment a school CSC. The area CSC must have at least two members besides the parent. One of the DoDDS members must have the authority to commit DoDDS resources; one shall be qualified to provide, or supervise the provision of special education. Other members may be selected from the following groups:

- (i) DoDDS regular education personnel.
- (ii) DoDDS special education personnel.
- (iii) MRS personnel.

*Child-find.* The ongoing process used by the DoDDS, the Military Departments, and the other DoD Components to seek and identify children from birth to age 21, inclusive, who may require early intervention services or special education and related services. Child-find activities include the dissemination of information to the public, the identification and screening of children, and the use of referral procedures.

*Children with disabilities (ages 3 To 21, inclusive).* Children, before graduation from high school or completion of the General Education Degree, who have one or more impairments, as determined by a CSC and who need special education and related services.

*Consent.* That term means the following:

(1) The parent is fully informed of all information about the activity for which consent is sought in the native language or in another mode of communication, if necessary.

(2) The parent understands and agrees in writing to the implementation of the activity for which permission is sought. That consent describes the activity, lists the child's records (if any) to be released outside the Department of Defense, and specifies to whom the records shall be sent. The signed consent acknowledges the parent's understanding that the parental consent is voluntary and may be revoked at any time.

*Counseling service.* A service provided by a qualified social worker, psychologist, guidance counselor, or other qualified personnel.

*Deaf-blindness.* Concomitant hearing and visual impairments. That disability causes such severe communication, developmental, and educational problems that it cannot be accommodated in special education programs solely for children with deafness or blindness.

*Deafness.* A severe hearing loss or deficit that impairs a child's ability to process linguistic information through hearing, with or without amplification, and affects the educational performance adversely.

*Developmental delay.* That term means the following:

(1) A significant discrepancy in the actual functioning of an infant, toddler, or child, birth through age 5, when compared with the functioning of a nondisabled infant, toddler, or child of the same chronological age in any of the following areas: physical, cognitive, communication, social or emotional, and adaptive developmental as measured using standardized evaluation instruments and confirmed by clinical observation and judgment.

(2) *High probability for developmental delay.* An infant or toddler, birth through age 2, with a diagnosed physical or mental condition, such as chromosomal disorders and genetic syndromes, that places the infant or toddler at substantial risk of evidencing a developmental delay without the benefit of early intervention services.

*Early identification.* The implementation of a formal plan for identifying a disability as early as possible in a child's life.

*Early intervention services.* (1) Developmental services that meet the following criteria:

(i) Are provided under the supervision of a Military medical Department.

(ii) Are provided using Military Health Services System resources at no cost to the parents. Parents may be charged in those instances where Federal law provides for a system of payments by families including a schedule of sliding fees, if any, (and incidental fees identified in Service guidance) that are normally charged to infants, toddlers, and children without disabilities or to their parents.

(iii) Are designed to meet the developmental needs of an infant or toddler with a disability in any one or more of the following areas:

- (A) Physical.
- (B) Cognitive.
- (C) Communication.
- (D) Social or emotional.
- (E) Adaptive development.

(iv) Meet the standards developed or adopted by the Department of Defense.

(v) Are provided by qualified personnel including early childhood special educators, speech and language pathologists and audiologists, occupational therapists, physical therapists, psychologists, social workers, nurses, nutritionists, family therapists, orientation and mobility specialists, and pediatricians and other physicians.

(vi) Maximally, are provided in natural environments including the home and community settings where infants and toddlers without disabilities participate.

(vii) Are provided in conformity with an Individualized Family Service Plan (IFSP).

(2) Developmental services include, but are not limited to, the following services: family training, counseling, and home visits; special instruction; speech pathology and audiology; occupational therapy; physical therapy; psychological services; service coordination services; medical services only for diagnostic or evaluation purposes; early identification, screening and assessment services; vision services; and social work services. Also included are assistive technology devices and assistive technology services; health services necessary to enable the infant or toddler to benefit from the above early intervention services; and transportation and related costs necessary to enable an infant or toddler and the family to receive early intervention services.

*Eligible.* The term refers to children who meet the age, command sponsorship, and dependency requirements established by the DDEA, as amended, 20 U.S.C. 921 *et seq.* and DoD Directive 1342.13. When those conditions are met, children without disabilities, ages 5 to 21, and children with disabilities, ages 3 to 21, inclusive, are authorized to receive educational instruction from the

DoDDS. Additionally, an eligible infant or toddler with disabilities is a child from birth through age 2 years who meets all of the DoDDS eligibility requirements except for the age requirement. In school year 1994 through 1995, multidisciplinary assessments, IFSPs, and case management services shall be required and beginning in school year 1995 through 1996, an eligible infant or toddler is entitled to receive early intervention services, in accordance with 20 U.S.C. 1400 *et seq.*

*Evaluation.* The synthesis of assessment information by a multidisciplinary team used to determine whether a particular child has a disability, the type and extent of the disability, and the child's eligibility to receive early intervention or special education and/or related services.

*Family training, counseling, and home visits.* Services provided by social workers, psychologists, and other qualified personnel to assist the family of an infant or toddler eligible for early intervention services. Those services assist a family in understanding the special needs of the child and enhancing the child's development.

*Free appropriate public education (FAPE).* Special education and related services that do the following:

(1) Are provided at no cost to parents of a child with a disability, and are under the general supervision and direction of the DoDDS.

(2) Are provided in the least restrictive environment at a preschool, elementary, or secondary school.

(3) Are provided in conformity with an IEP.

(4) Meet the requirements of this part.

*Functional vocational evaluation.* A student-centered appraisal process for vocational development and career decision making. It allows students, educators, and others to gather information about such development and decision making. Functional vocational evaluation activities for transitional, vocational, and career planning; instructional goals; objectives; and implementation.

*Health services.* Services necessary to enable an infant or toddler to benefit from the other early intervention serv-

ices being received under this part. That term includes the following:

(1) Services such as clean intermittent catheterization, tracheotomy care, tube feeding, changing of dressings or colostomy collection bags, and other health services.

(2) Consultation by physicians with other service providers about the special healthcare needs of infants and toddlers with disabilities that shall need to be addressed in the course of providing other early intervention services.

(3) That term does not include the following:

(i) Services that are surgical or solely medical.

(ii) Devices necessary to control or treat a medical condition.

(iii) Medical or health services routinely recommended for all infants or toddlers.

*Hearing impairment.* An impairment in hearing, whether permanent or fluctuating, which adversely affects a child's educational performance, but is not included under deafness.

*Independent evaluation.* An evaluation conducted by a qualified examiner who is not employed by the DoDDS.

*Individualized education program (IEP).* A written document defining specially designed instruction for a student with a disability, ages 3 to 21, inclusive. That document is developed and implemented, in accordance with this part.

*Individualized family service plan (IFSP).* A written document for an infant or toddler, age birth through 2, with a disability and the family of such infant or toddler that is based on a multidisciplinary assessment of the unique needs of the child and concerns and priorities of the family, and identifies the early intervention and other services appropriate to meet such needs, concerns, and priorities.

*Infants and toddlers with disabilities.* Children, ages birth through 2, who need early intervention services because they:

(1) Are experiencing a developmental delay; or,

(2) Have a diagnosed physical or mental condition that has high probability of resulting in a developmental delay.

*Inter-component.* Cooperation among DoD organizations and programs, ensuring coordination and integration of services to infants, toddlers, children with disabilities and to their families.

*Medical services.* Those evaluative, diagnostic, therapeutic, and supervisory services provided by a licensed and/or credentialed physician to assist CSCs and to implement IEPs. Medical services include diagnosis, evaluation, and medical supervision of related services that, by statute, regulation, or professional tradition, are the responsibility of a licensed and credentialed physician.

*Medically related services.* (1) Medical services (as defined in definition "Medical services") are those services provided under professional medical supervision, which are required by a CSC to determine a student's eligibility for special education and, if the student is eligible, the special education and related services required by the student under this part.

(2) Direct or indirect services under the development or implementation of an IEP necessary for the student to benefit from the educational curriculum. Those services may include medical services for diagnostic or evaluative purpose, social work, community health nursing, dietary, occupational therapy, physical therapy, audiology, ophthalmology, and psychological testing and therapy.

*Meetings.* All parties attending a meeting to determine eligibility or placement of a child shall appear personally at the meeting site on issuance of written notice and establishment of a date convenient to the concerned parties. When a necessary participant is unable to attend, electronic communication suitable to the occasion may be used to involve the unavailable party. Parents generally shall be responsible for the cost of travel to personally attend meetings about the eligibility or placement of their child.

*Mental retardation.* Significantly sub-average general intellectual functioning, existing concurrently with deficits in adaptive behavior. That disability is manifested during the developmental period and adversely affects a child's educational performance.

*Multidisciplinary.* The involvement of two or more disciplines or professions in the integration and coordination of services, including evaluation and assessment activities, and development of an IFSP or an IEP.

*Native language.* When used with reference to an individual of limited English proficiency, the home language normally used by such individuals, or in the case of a child, the language normally used by the parent of the child.

*Natural environments.* Settings that are natural or normal (e.g., home or day care setting) for the infant, toddler, or child's same-age peers who have no disability.

*Non-DoDDS placement.* An assignment by the DoDDS of a child with a disability to a non-DoDDS school or facility.

*Non-DoDDS school or facility.* A public or private school or other institution not operated by the DoDDS.

*Nutrition services.* Those services to infants and toddlers include the following:

(1) Conducting individual assessments in nutritional history and dietary intake; anthropometric, biochemical, and clinical variables; feeding skills and feeding problems; and food habits and food preferences.

(2) Developing and monitoring plans to address the nutritional needs of infants and toddlers eligible for early intervention services.

(3) Making referrals to community resources to carry out nutrition goals.

*Occupational therapy.* That term includes services to address the functional needs of children (birth to age 21, inclusive) related to adaptive development; adaptive behavior and play; and sensory, motor, and postural development. Those services are designed to improve the child's functional ability to perform tasks in home, school, and community settings, and include the following:

(1) Identification, assessment, and intervention.

(2) Adaption of the environment and selection, design, and fabrication of assistive and orthotic devices to help development and promote the acquisition of functional skills.

(3) Prevention or minimization of the impact of initial or future impairment.

delay in development, or loss of functional ability.

*Orthopedic impairment.* A severe physical impairment that adversely affects a child's educational performance. That term includes congenital impairments such as club foot or absence of some member; impairments caused by disease, such as poliomyelitis and bone tuberculosis, and impairments from other causes such as cerebra palsy, amputations, and fractures or burns causing contractures.

*Other health impairment.* Limited strength, vitality, or alertness due to chronic or acute health problems that adversely affect a child's educational performance. Such impairments include heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, seizure disorder, lead poisoning, leukemia, diabetes, or attention deficit disorder.

*Parent.* The biological father or mother of a child; a person who, by order of a court of competent jurisdiction, has been declared the father or mother of a child by adoption; the legal guardian of a child; or a person in whose household a child resides, if such person stands in loco parentis to that child and contributes at least one-half of the child's support.

*Parent counseling and training.* A service to assist parents in understanding the special needs of their child's development and by providing them with information on child development and special education.

*Personally identifiable information.* Information that would make it possible to identify the infant, toddler, or child with reasonable certainty. Examples include name, parent's name, address, social security number, or a list of personal characteristics.

*Physical therapy.* That term includes services to children (birth to age 21, inclusive) to address the promotion of sensorimotor function through enhancement of musculoskeletal status, neurobehavioral organization, perceptual and motor development, cardiopulmonary status, and effective environmental adaptation. Those services include the following:

(1) Screening, evaluation, and assessment to identify movement dysfunction.

(2) Obtaining, interpreting, and integrating information to appropriate program planning to prevent, alleviate, or compensate for movement dysfunction and related functional problems.

(3) Providing individual and group services or treatment to prevent, alleviate, or compensate for movement dysfunction and related functional problems.

*Primary referral source.* Parents and the DoD Components, including child development centers, pediatric clinics, and newborn nurseries, that suspect an infant or toddler has a disability and brings the child to the attention of the EIP.

*Psychological services.* A service that includes the following:

(1) Administering psychological and educational tests and other assessment procedures.

(2) Interpreting test and assessment results.

(3) Obtaining, integrating, and interpreting information about a child's behavior and conditions to learning.

(4) Consulting with other staff members, including service providers, to plan programs to meet the special needs of children, as indicated by psychological tests, interviews, and behavioral evaluations.

(5) Planning and managing a program of psychological services, including psychological counseling for children and parents, family counseling, consultation on child development, parent training, and education programs.

*Public awareness program.* Activities or print materials focusing on early identification of infants and toddlers with disabilities. Materials may include information prepared and disseminated by a military medical department to all primary referral sources and information for parents on the availability of early intervention services. Procedures to determine the availability of information on early intervention services to parents are also included in that program.

*Qualified.* A person who meets the DoD-approved or recognized certification, licensing, or registration requirements or other comparable requirements in the area in which the person provides special education or related services or early intervention

services to an infant, toddler, or child with a disability.

*Recreation.* A related service that includes the following.

- (1) Assessment of leisure activities.
- (2) Therapeutic recreational activities.
- (3) Recreational programs in schools and community agencies.
- (4) Leisure education.

*Rehabilitation counseling.* Services provided by a rehabilitation counselor or other qualified personnel in individual or group sessions that focus specifically on career development, employment preparation, achieving independence, and integration in the workplace and community of the student with a disability.

*Related services.* Transportation and such developmental, corrective, and other supportive services as required to assist a child, age 3 to 21, inclusive, with a disability to benefit from special education under the child's IEP. The term includes speech therapy and audiology, psychological services, physical and occupational therapy, recreation, early identification and assessment of disabilities in children, counseling services, and medical services for diagnostic or evaluative purposes. That term also includes rehabilitation counseling services, school health services, social work services in schools, and parent counseling. The sources for those services are school, community, and medical treatment facilities (MTFs).

*School health services.* Services provided by a qualified school nurse or other qualified person.

*Separate facility.* A school or a portion of a school, regardless of whether it is operated by the DoDDS, attended exclusively by children with disabilities.

*Serious emotional disturbance.* A condition confirmed by clinical evaluation and diagnosis and that, over a long period of time and to a marked degree, adversely affect educational performance, and exhibits one or more of the following characteristics:

- (1) Inability to learn that cannot be explained by intellectual, sensory, or health factors.
- (2) Inability to build or maintain satisfactory interpersonal relationships with peers and teachers.

- (3) Inappropriate types of behavior under normal circumstances.

- (4) A tendency to develop physical symptoms or fears associated with personal or school problems.

- (5) A general pervasive mood of unhappiness or depression. Includes children who are schizophrenic, but does not include children who are socially maladjusted unless it is determined they are seriously emotionally disturbed.

*Service coordination.* Activities of a service coordinator to assist and enable an infant or toddler and the family to receive the rights, procedural safeguards, and services that are authorized to be provided under the DoD EIP. Those activities include the following:

- (1) Coordinating the performance of evaluation and assessments.
- (2) Assisting families to identify their resources, concerns, and priorities.
- (3) Facilitating and participating in the development, review, and evaluation of IFSPs.
- (4) Assisting in identifying available service providers.
- (5) Coordinating and monitoring the delivery of available services.
- (6) Informing the family of support or advocacy services.
- (7) Coordinating with medical and health providers.
- (8) Facilitating the development of a transition plan to preschool services.

*Service provider.* Any individual who provides services listed in an IEP or an IFSP.

*Social work services in schools.* A service that includes the following:

- (1) Preparing a social or developmental history on a child with a disability.
- (2) Counseling a child and the family on a group or individual basis.
- (3) Working with those problems in a child's home, school, or community that adversely affect adjustment in school.
- (4) Using school and community resources to enable a child to receive maximum benefit from the educational program.

*Special education.* Instruction and related services for which a child, age 3 to 21, inclusive, becomes entitled when a CSC determines a child's educational

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performance is adversely affected by one or more disabling conditions.

(1) Special education is specially designed instruction, including physical education, which is provided at no cost to the parent or guardians to meet the unique needs of a child with a disability, including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings.

(2) That term includes speech therapy or any other related service if the service consists of specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability.

(3) That term also includes vocational education if it consists of specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability.

(4) *At no cost.* For a child eligible to attend the DoDDS without paying tuition, specially designed instruction and related services are provided without charge. Incidental fees normally charged to nondisabled students or their parents as a part of the regular educational program may be imposed.

(5) *Physical education.* The development of the following:

- (i) Physical and motor fitness.
- (ii) Fundamental motor skills and patterns.
- (iii) Skills in aquatics, dance, and individual and group games and sports, including intramural and lifetime sports.

(iv) A program that includes special physical education, adapted physical education, movement education, and motor development.

(6) *Vocational education.* Organized educational programs for the preparation of individuals for paid or unpaid employment or for additional preparation for a career requiring other than a baccalaureate or advanced degree.

*Special instruction.* That term includes the following:

(1) The design of learning environments and activities to promote acquisition of skills in a variety of developmental areas, including cognitive processes and social interaction.

(2) Curriculum planning, including the planned interaction of personnel, materials, time, and space, that leads

to achieving the outcomes in an IEP or an IFSP.

(3) Providing families with information, skills, and support to enhance skill development.

(4) Working with a child to enhance development and cognitive processes.

*Specific learning impairment.* A disorder in one or more of the basic psychological processes involved in understanding or in using spoken or written language that may manifest itself as an imperfect ability to listen, think, speak, read, write, spell, remember, or do mathematical calculations. That term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term, commonly called, “specific learning disability,” does not include learning problems that are primarily the result of visual, hearing, or motor disabilities; mental retardation; emotional disturbance; or environmental, cultural, or economic differences.

*Speech and language impairments.* A communication disorder, such as stuttering, impaired articulation, voice impairment, or a disorder in the receptive or expressive areas of language that adversely affects a child’s educational performance.

*Speech therapy.* That related service includes the following:

(1) Identification of children with communicative or oropharyngeal disorders and delays in development of communication skills.

(2) Diagnosis and appraisal of specific speech or language impairments.

(3) Referral for medical or other professional attention to correct or habilitate speech or language impairments.

(4) Provision of speech and language services for the correction, habilitation, and prevention of communicative impairments.

(5) Counseling and guidance of children, parents, and teachers for speech and language impairments.

*Transition services.* That term means the following:

(1) A coordinated set of activities for a student that may be required to promote movement from early intervention, preschool, and other educational programs into different educational settings or programs.

(2) For students 14 years of age and older, transition services are designed in an outcome-oriented process which promotes movement from school to postschool activities; including, post-secondary education, vocational training, integrated employment; and 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 student's needs, considering the student's preferences and interests, and shall include instruction, community experiences, the development of employment and other postschool adult living objectives, and acquisition of daily living skills and functional vocational evaluation.

*Transportation.* A service that includes the following:

(1) Services rendered under the IEP of a child with a disability:

(i) Travel to and from school and between schools, including travel necessary to permit participation in educational and recreational activities and related services.

(ii) Travel in and around school buildings.

(iii) Specialized equipment, including special or adapted buses, lifts, and ramps, if required to provide transportation for a child with a disability.

(2) Transportation and related costs for early intervention services include the cost of travel (e.g., mileage or travel by taxi, common carrier, or other means) and other costs (e.g., tolls and parking expenses) that are necessary to enable an eligible child and the family to receive early intervention services.

*Traumatic brain injury.* An acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment that adversely affects educational performance. That term includes open or closed head injuries resulting in mild, moderate, or severe impairments in one or more areas including cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem solving, sensory, perceptual and motor abilities, psychosocial behavior, physical function, information processing, and speech. That term does not include

brain injuries that are congenital or degenerative, or brain injuries that are induced by birth trauma.

*Vision services.* Services necessary to habilitate or rehabilitate the effects of sensory impairment resulting from a loss of vision.

*Visual impairment.* An impairment of vision that, even with correction, adversely affects a child's educational performance. That term includes both partially seeing and blind children.

#### § 57.4 Policy.

It is DoD policy that:

(a) Eligible infants and toddlers with disabilities and their families shall be entitled to receive early intervention services consistent with Appendix A to this part.

(b) Eligible children with disabilities, ages 3 to 21, inclusive, shall be provided a FAPE in the least restrictive environment, consistent with Appendix B to this part.

(c) Parents of eligible infants, toddlers, and children with disabilities from birth to age 21, inclusive, shall be full participants in early intervention and special education services.

#### § 57.5 Responsibilities.

(a) The Under Secretary of Defense for Personnel and Readiness shall:

(1) Establish a NAP consistent with Appendix C to this part.

(2) Establish and chair, or designate a "Chair," of the DoD-CC on Early Intervention, Special Education, and MRS consistent with Appendix D to this part.

(3) Establish and chair, or designate a "Chair," of the DoD Inter-Component Coordinating Council (ICC) on Early Intervention consistent with Appendix E to this part.

(4) Ensure compliance with this part in the provision of early intervention services, special education, and related services through the DoD-CC, in accordance with DoD Instruction 1342.14<sup>8</sup> and other appropriate guidances.

(5) In consultation with the General Counsel of the Department of Defense (GC, DoD) and the Secretaries of the Military Departments, do the following:

<sup>8</sup> See footnote 1 to § 57.1(a).