

3525.1348 TRAUMATIC BRAIN INJURY (TBI).

Subpart 1. **Definition.** "Traumatic brain injury" means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that may adversely affect a pupil's educational performance and may result in the need for special education and related services. The term applies to open or closed head injuries resulting in impairments in one or more areas, such as: cognition, speech/language, memory, attention, reasoning, abstract thinking, judgment, problem-solving, sensory, perceptual and motor abilities, psychosocial behavior, physical functions, and information processing. The term does not apply to brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma.

Subp. 2. **Criteria.** The team shall determine that a pupil is eligible and in need of special education and related services if the pupil meets the criterion in item A and the criteria in items B and C as documented by the information gathered according to item D:

A. There is documentation by a physician of a medically verified traumatic brain injury.

B. There is a functional impairment attributable to the traumatic brain injury that adversely affects educational performance in one or more of the following areas: intellectual-cognitive, academic, communication, motor, sensory, social-emotional-behavioral, and functional skills-adaptive behavior. Examples of functional impairments which may adversely affect educational performance are:

- (1) intellectual-cognitive, for example, impaired:
 - (a) attention or concentration;
 - (b) ability to initiate, organize, or complete tasks;
 - (c) ability to sequence, generalize, or plan;
 - (d) insight/consequential thinking;
 - (e) flexibility in thinking, reasoning, or problem-solving;
 - (f) abstract thinking;
 - (g) judgment or perception;
 - (h) long-term or short-term memory;
 - (i) ability to acquire or retain new information;
 - (j) ability to process information;
- (2) academic, for example:
 - (a) marked decline in achievement from preinjury levels;

(b) impaired ability to acquire basic skills (reading, written language, mathematics);

(c) normal sequence of skill acquisition which has been interrupted by the trauma as related to chronological and developmental age;

(3) communication, for example:

(a) impaired ability to initiate, maintain, restructure, or terminate conversation;

(b) impaired ability to respond to verbal communication in a timely, accurate or efficient manner;

(c) impaired ability to communicate in distracting or stressful environments;

(d) impaired ability to use language appropriately (requesting information, predicting, analyzing, or using humor);

(e) impaired ability to use appropriate syntax;

(f) impaired abstract or figurative language;

(g) perseverative speech (repetition of words, phrases, or topics);

(h) impaired ability to understand verbal information;

(i) impaired ability to discriminate relevant from irrelevant information;

(j) impaired voice production/articulation (intensity, pitch, quality, apraxia, or dysarthria);

(4) motor, for example, impaired:

(a) mobility (balance, strength, muscle tone, or equilibrium);

(b) fine or gross motor skills;

(c) speed of processing or motor response time;

(d) sensory, for example, impaired;

(5) sensory, for example, impaired:

(a) vision (tracking, blind spots, visual field cuts, blurred vision, or double vision);

(b) hearing (tinnitus, noise sensitivity, or hearing loss);

(6) social-emotional-behavioral, for example:

(a) impaired ability to initiate or sustain appropriate peer or adult relationships;

- (b) impaired ability to perceive, evaluate, or use social cues or context appropriately;
- (c) impaired ability to cope with over-stimulating environments, low frustration tolerance;
- (d) mood swings or emotional ability;
- (e) impaired ability to establish or maintain self-esteem;
- (f) denial of deficits affecting performance;
- (g) poor emotional adjustment to injury (depression, anger, withdrawal, or dependence);
- (h) impaired ability to demonstrate age-appropriate behavior;
- (i) impaired self-control (verbal or physical aggression, impulsivity, or disinhibition);
- (j) intensification of preexistent maladaptive behaviors or disabilities;
- (7) functional skills-adaptive behavior, for example, impaired:
 - (a) ability to perform developmentally appropriate daily living skills in school, home, leisure, or community setting (hygiene, toileting, dressing, eating);
 - (b) ability to transfer skills from one setting to another;
 - (c) orientation (places, time, situations);
 - (d) ability to find rooms, buildings, or locations in a familiar environment;
 - (e) ability to respond to environmental cues (bells, signs);
 - (f) ability to follow a routine;
 - (g) ability to accept change in an established routine;
 - (h) stamina that results in chronic fatigue.
- C. The functional impairments are not primarily the result of previously existing:
 - (1) visual, hearing, or motor impairments;
 - (2) emotional or behavioral disorders;
 - (3) developmental disabilities;
 - (4) language or specific learning disabilities;
 - (5) environmental or economic disadvantage;
 - (6) cultural differences.

D. Information/data to document a functional impairment in one or more of the areas in item B must, at a minimum, include one source from Group One and one source from Group Two:

(1) GROUP ONE:

- (a) checklists;
- (b) classroom or work samples;
- (c) educational/medical history;
- (d) documented, systematic behavioral observations;
- (e) interviews with parents, student, and other knowledgeable individuals;

(2) GROUP TWO:

- (a) criterion-referenced measures;
- (b) personality or projective measures;
- (c) sociometric measures;
- (d) standardized assessment measures; (academic, cognitive, communication, neuropsychological, or motor).

Statutory Authority: *MS s 121.11; L 1994 c 647 art 3 s 23; L 1999 c 123 s 19,20*

History: *19 SR 2432; L 1998 c 397 art 11 s 3; 26 SR 657; L 2005 c 56 s 2*

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