

Intellectual Disabilities Rules and Regulations

Definition.

Intellectual disabilities refers to significantly subaverage general intellectual functioning which exists concurrently with deficits in adaptive behavior that adversely affect educational performance and is manifested during the developmental period. [refer to 34CFR 300.7 (c)(6)]

- (1) Significantly subaverage general intellectual functioning is defined as approximately 70 IQ or below as measured by a qualified psychological examiner on individually administered, standardized measures of intelligence.
 - (a) All IQ scores defining eligibility for students with intellectual disabilities shall be interpreted as a range of scores encompassed by not more than one standard error of measurement below and above the obtained score. The standard error of measurement for a test may be found in the technical data section of the test manual.
 - (b) Any final determination of the level of intellectual functioning shall be based on multiple sources of information and shall include more than one formal measure of intelligence administered by a qualified psychological examiner. There may be students with IQ scores below 70 who do not need special education, while some students with IQ scores over 70 may need special education. Interpretation of results should take into account factors that may affect test performance such as socioeconomic status, native language, cultural background and associated disabilities in communication, sensory or motor areas.
- (2) Deficits in adaptive behavior are defined as significant limitations in an individual's effectiveness in meeting the standards of maturation, learning, personal independence or social responsibility, and especially school performance that is expected of the individual's age-level and cultural group, as determined by clinical judgment.
 - (a) Individuals with intellectual disabilities typically have strengths that coexist with weaknesses in adaptive behavior. During the pre-school years the primary criteria for adaptive behavior evaluations are sensory motor skills; communication skills; self-help skills; and socialization. In addition to the previous criteria, during the school age years evaluation criteria include the use of basic academic skills in practical situations, the use of reasoning and judgment in coping effectively in a variety of environments, the acquisition of social skills and establishing and maintaining satisfactory personal relationships. In late adolescence and adulthood, additional criteria related to independent functioning and vocational activity are used.
 - (b) Any final determination of impairment in adaptive behavior shall be based on at least two measures of adaptive behavior, one of which shall be a formal measure.
 - (c) At least two sources must be used to provide the information for the adaptive behavior measures. The first source should be someone from

the local school who knows the student such as a general education teacher, a special education teacher, or a counselor. The second source, if possible, should be someone who knows the student from outside the school environment such as a parent, guardian, family member or other person familiar with the student.

(d) Interpretation of results should consider the student's cultural background, socioeconomic status and any associated disabilities that may limit impact the results of the adaptive behavior measures in comparing students to expected standards for a particular age group.

- (3) Deficits in intellectual functioning and adaptive behavior are all documented prior to age 18.

Eligibility and Placement.

A student may be classified as having an intellectual disability (at one of the levels listed below) when a comprehensive evaluation indicates deficits in both intellectual functioning and adaptive behavior. Intellectual functioning and adaptive behavior shall be considered equally in any determination that a student is eligible for services in the area of intellectual disability. A comprehensive educational evaluation shall be administered to determine present levels of academic functioning. A written report shall be prepared for each student to provide an adequate description of the data collected during evaluation and to explain why the student is eligible for services in a program for students with intellectual disabilities. In situations where eligibility discrepancies exist between test score results from intellectual functioning, adaptive behavior and academic achievement, the eligibility report must contain a statement of specific factors considered which resulted in the decision of the eligibility team. A student may be classified as having an intellectual disability at one of the levels listed below.

Mild intellectual disability.

- (1) Intellectual functioning ranging between an upper limit of approximately 70 to a lower limit of approximately 55; and
- (2) Deficits in adaptive behavior that significantly limit an individual's effectiveness in meeting the standards of maturation, learning, personal independence or social responsibility, and especially school performance that is expected of the individual's age level and cultural group, as determined by clinical judgment.

Moderate intellectual disability.

- (1) Intellectual functioning ranging from an upper limit of approximately 55 to a lower limit of approximately 40; and
- (2) Deficits in adaptive behavior that significantly limit an individual's effectiveness in meeting the standards of maturation, learning, personal independence or social responsibility, and especially school performance that is expected of the individual's age-level and cultural group as determined by clinical judgment.

Severe intellectual disability.

- (1) Intellectual functioning ranging from an upper limit of approximately 40 to a lower limit of approximately 25; and
- (2) Deficits in adaptive behavior that significantly limit an individual's effectiveness in meeting the standards of maturation, learning, personal independence or social responsibility and especially school performance that is expected of the individual's age-level and cultural group as determined by clinical judgment.

Profound intellectual disability.

- (1) Intellectual functioning below approximately 25; and
- (2) Deficits in adaptive behavior that significantly limit an individual's effectiveness in meeting the standards of maturation, learning, personal independence or social responsibility and especially school performance that is expected of the individual's age-level and cultural group, as determined by clinical judgment.