



EASTERN UPPER PENINSULA INTERMEDIATE SCHOOL DISTRICT

Eastern Upper Peninsula Intermediate School District

Guidelines for the Determination of Cognitive Impairment (CI)

January, 2016

This document provides procedures for the Eastern Upper Peninsula Intermediate School District for the determination of special education eligibility under the category of cognitive impairment (CI). These procedures are based upon the Michigan Administrative Rules for Special Education (MARSE-September 2013) and the Individuals with Disabilities Education Act (IDEA) of 2004.



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Definition of Cognitive Impairment (CI)

The federal Individuals with Disabilities Education Act 2004 (IDEA 2004), its implementing regulations, and the Michigan Administrative Rules for Special Education (September 2013) govern the required process for the identification of students with cognitive impairments.

Code of Federal Regulations Definition Cognitive Impairment

CFR § 300.8 (c)(6) Child with a disability: Mental retardation means significantly sub average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period that adversely affects a child's educational performance.

Michigan's Definition of Cognitive Impairment

R 340.1705 Cognitive impairment; determination.

Rule 5.

(1) Cognitive impairment shall be manifested during the developmental period and be determined through the demonstration of all of the following behavior characteristics:

(a) Development at a rate at or below approximately 2 standard deviations below the mean as determined through intellectual assessments.

Testing must comply with MDE Rule 300.304 (See Appendix A: 300.304 Evaluation Procedures). The Multidisciplinary Evaluation Team (MET) will use their professional judgment in making this determination with the understanding that additional input and assessments as cited below will also contribute to the final eligibility determination. The evaluating school psychologist follows all rules according to each test manual to assure standardized administration.

(b) Scores approximately within the lowest 6 percentiles on a standardized test in reading and arithmetic. This requirement will not apply if the student is not of an age, grade, or mental age appropriate for formal or standardized achievement tests.

Testing must comply with MDE Rule 300.304 (See Appendix A: 300.304 Evaluation Procedures). The MET will use their professional judgment in making this determination with the understanding that additional input and assessments will also contribute to the final eligibility determination.

(c) Lack of development primarily in the cognitive domain.

(d) Impairment of adaptive behavior.

Cognitive impairment is a lifelong condition that is pervasive across environments. Evidence of impaired adaptive behavior in multiple settings (which may include but is not limited to school, home, and the community) should be present in order to make the determination that a child

manifests a cognitive impairment. There may be situations in which multiple raters complete standardized assessments of adaptive behavior and there are interrater inconsistencies. In these instances, the school psychologist will use his or her professional judgment in interpreting the results.

(e) Adversely affects a student's educational performance.

Adverse educational impact means the progress of the child in the curriculum is impeded by the disability to the extent that the child requires special education in order to advance in the curriculum. The term educational performance includes academic areas and non-academic areas.

Academic performance includes performance in reading (word recognition and comprehension), writing (text composition and revision, grammar, spelling, and legibility), and mathematical reasoning and calculation across the K-12 spectrum, progress in meeting goals for the general curriculum, and performance on statewide and local assessments. Non-academic areas that are required in order for the student to progress (in both academic and non-academic areas) include daily living activities that are embedded in the curriculum such as behavior, mobility, socialization, self-management, problem-solving, reasoning, coping skills, and self-determination without which so affects the child to the extent that they require special education.

(2) A determination of impairment shall be based upon a comprehensive evaluation by a multidisciplinary evaluation team, which shall include a psychologist.

According to the MDE and Michigan administrative Rules for Special Education (MARSE) Rule 340.101b, Rule 1b (b), "Multidisciplinary evaluation team" means a minimum of 2 persons who are responsible for evaluating a student suspected of having a disability. The team shall include at least 1 special education teacher or other specialist who has knowledge of the suspected disability. In addition to the evaluating school psychologist, the multidisciplinary evaluation team may include additional persons as specified on the evaluation plan and may include but is not limited to:

- *the parent*
- *personnel and/or ancillary staff as specified on the Evaluation Plan*
- *the person(s) making the referral*
- *the child's general education teacher(s)*
- *school counselor*
- *intervention specialist*
- *occupational therapist*
- *physical therapist*
- *special education teacher*
- *speech therapist*
- *social worker*

Evaluation Process

The evaluation process for cognitive impairment requires a team of professionals. The multidisciplinary evaluation team ensures that information about all aspects of a student's development and needs is



gathered pursuant to the Review of Existing Evaluation Data (REED) and the evaluation plan. The MET team's goal for a school-based evaluation for cognitive impairment is not to provide a clinical diagnosis for students, but to assure that sufficient information is available for IEP Team consideration to determine eligibility and the need for special education programs and services based on special education rules and regulations. In completing a comprehensive evaluation for a cognitive impairment, cognitive abilities, academic achievement, and adaptive behavior must be assessed. Additional areas that should be assessed include the student's developmental history, medical information, strengths, and the impact of any cultural and socioeconomic differences on the student's interaction with his or her environment.

Developmental History

A thorough understanding of the child's developmental history is beneficial when determining whether a child's functioning can best be explained by the presence of a cognitive impairment or a different etiology. The following information should be considered for any initial evaluation for cognitive impairment and should be updated as needed during any subsequent re-determination:

- Parents' perception of concern
- Prenatal and birth history (to include history of smoking, alcohol, substance use)
- Developmental milestones
- Language acquisition
- Educational history
- Social development
- Evidence of skill regression in any area
- Family history of developmental delays, mental illness, medical diagnoses, learning problems
- Recent changes in family functioning
- Daily living skills (eating, sleeping, daily routine, chores, etc.)

Educationally Relevant Medical Information

The student's medical history should be thoroughly documented. Medical conditions and interventions such as medications may affect a child's behavior and/or development. In addition, medications and dosages are subject to change, which may result in different effects on the student's functioning. Multidisciplinary evaluation teams should consider the effect of any medications on student performance. An awareness of the child's functioning prior to any medication management may also be helpful.

Cognitive/Intellectual

Intelligence can be defined as general mental ability which includes reasoning, planning, problem solving, abstract thinking, comprehending complex ideas, rapid learning, and learning from experience. Psychological tests measure cognition with intelligence quotients (IQs), usually reported in standard scores and percentiles. In order to meet the intellectual criteria for a cognitive impairment, the child must demonstrate a Full Scale Intelligence Quotient (FSIQ) that is at or below approximately two standard deviations below the mean.

Academic/Achievement

Levels of reading and mathematics skills must be determined through standardized achievement testing (when the student functions highly enough to obtain a valid score on these tests).



Achievement test results are also measured in standard scores and percentiles. Reading and mathematics achievement scores must be reported in percentiles, and must be at approximately the sixth percentile or lower to meet this criterion for eligibility under the category of a cognitive impairment.

Adaptive Behavior

Adaptive behavior can be defined as the development and application of skills needed to acquire personal independence and social sufficiency. These skills are particularly important as they contribute significantly to an individual's ability to function successfully in everyday environments. To meet this criterion for eligibility under the category of a cognitive impairment, the child must exhibit a deficit in adaptive behavior that is at least two standard deviations below the mean, as measured by the composite score on a standardized assessment of adaptive behavior.

Additional considerations:

Student observation data is critical in all evaluations and may provide helpful evidence that may contribute to a determination of cognitive impairment eligibility as well as for possible program planning.



Appendix A

MDE Rule: 300.304 Evaluation Procedures



§ 300.304 Evaluation procedures.

(a) Notice: The public agency must provide notice to the parents of a child with a disability, in accordance with § 300.503, that describes any evaluation procedures the agency proposes to conduct.

(b) Conduct of evaluation: In conducting the evaluation, the public agency must:

(1) Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent, that may assist in determining:

(i) Whether the child is a child with a disability under § 300.8; and

(ii) The content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities);

(2) Not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child; and

(3) Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

(c) Other evaluation procedures. Each public agency must ensure that:

(1) Assessments and other evaluation materials used to assess a child under this part:

(i) Are selected and administered so as not to be discriminatory on a racial or cultural basis;

(ii) Are provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, MARSE Supplemented With Selected IDEA Federal Regulations / October 2013 Part 2 7 Michigan Rules IDEA Federal Regulations developmentally, and functionally, unless it is clearly not feasible to so provide or administer;

(iii) Are used for the purposes for which the assessments or measures are valid and reliable;

(iv) Are administered by trained and knowledgeable personnel; and

(v) Are administered in accordance with any instructions provided by the producer of the assessments.

(2) Assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.

(3) Assessments are selected and administered so as best to ensure that if an assessment is administered to a child with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).

(4) The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities;



(5) Assessments of children with disabilities who transfer from one public agency to another public agency in the same school year are coordinated with those children's prior and subsequent schools, as necessary and as expeditiously as possible, consistent with § 300.301(d)(2) and (e), to ensure prompt completion of full evaluations.

(6) In evaluating each child with a disability under §§ 300.304 through 300.306, the evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.

(7) Assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are provided. (Authority: 20 U.S.C. 1414(b)(1)-(3), 1412(a)(6)(B))

