

# Guidelines for Determining Students With Cognitive Impairments



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Marquette Alger RESA  
321 East Ohio Street  
Marquette, Michigan  
49855  
(906-226-5150)

## Definition of Cognitive Impairment (CI)

The federal Individuals with Disabilities Act 2004 (IDEA) and the Michigan Administrative Rules for Special Education (April 2009) provide the process required in the identification of students with Cognitive Impairments.

### Federal definition of 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.
  - (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.
  - (c) Lack of development primarily in the cognitive domain.
  - (d) Impairment of adaptive behavior.
  - (e) Adversely affects a student's educational performance.
- (2) A determination of impairment shall be based upon a comprehensive evaluation by a multidisciplinary evaluation team, which shall include a psychologist.

## Evaluation Process

The determination of eligibility for Cognitive Impairment (CI) is a process that requires a team of professionals. The Multidisciplinary Evaluation Team must take the time needed to ensure that information about all aspects of a student's development and needs is gathered. The team's goal for a school-based evaluation for Cognitive Impairment is not to provide a clinical diagnosis for students, but to determine eligibility and the need for special education services based on special education rules and regulations. Because the determination of Cognitive Impairment is a subjective process involving numerous exclusionary factors, it is essential that at least one member of the evaluation team have broad experience with individuals with cognitive impairment. In completing a comprehensive evaluation, cognitive skills, academic achievement and adaptive behavior must be assessed. Additional areas that should be assessed include the student's strengths and weaknesses and the impact of any cultural and socioeconomic differences on the student's interaction with his or her environment.

### **Developmental History**

Because characteristics of Cognitive Impairments are typically present prior to age three, a thorough developmental history must be conducted. It is critical to the determination of Cognitive Impairment to interview parents in order to gather an accurate and complete picture of the child's development.

A good understanding of developmental history information is beneficial when addressing issues of differential diagnosis and looking at other potential impairment categories. The following information is necessary for any initial evaluation for Cognitive Impairment and should be updated as needed during any subsequent re-determination:

- Parents' perception of concern
- Child's age when concerns began
- Prenatal and birth history
- Health and medical history
- Developmental milestones
- Language acquisition
- Educational history
- Social development/play patterns
- Evidence of skill regression in any area
- Family history of developmental delays

### **Educationally Relevant Medical Information**

Medical conditions and interventions, such as medications, may affect a child's behavior and/or development. The student's medical history should be thoroughly documented. Multidisciplinary Evaluation Teams should consider the effect of any medications on student performance.

### **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. The IQ for CI eligibility is inclusive of a standard score of 70 (second percentile) and below.

Cognitive factors to assess include:

- Processing
- Memory
- Reasoning and concept formation
- Attending
- Profile of strengths and deficits

### **Academic/Achievement**

Levels of both reading and mathematics skills must be determined through achievement testing (when standardized results are attainable). 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 qualify for Cognitive Impairment.

### **Adaptive Behavior**

Adaptive behavior can be defined as the development and application of abilities needed to acquire personal independence and social sufficiency. These skills are particularly important for individuals with cognitive impairment as they contribute significantly to their ability to function successfully in everyday environments. In regard to adaptive skills, individuals with Cognitive Impairment:

- show significant deficits generally as an even pattern of skill development across adaptive behavior domains;
- have impaired skill levels that are commensurate with cognitive abilities.

To qualify as Cognitively Impaired, a student must exhibit adaptive behavior performance levels that are approximately two (2) standard deviations below the mean. Discrepancies between mental age and adaptive behavior scores may indicate that other issues such as environment, socioeconomic status, culture or a lack of educational exposure need to be considered carefully in ruling in or ruling out cognitive impairment.

When assessing adaptive behavior, use standardized measures that are normed on the general population, including people with and without disabilities. The following areas of adaptive behavior require assessment:

- Communication skills
- Social skills, including play skills
- Daily living/self-help skills – dressing, eating, job skills, money management
- Motor skills if motor concerns are present

*Note that adaptive behavior scores obtained on very young children may prove more stable than cognitive scores and better predict language acquisition in nonverbal children than performance IQ scores.*

### **Additional considerations:**

When assessing adaptive behavior, the context of skill performance must be considered. Multiple raters should observe and gather student performance data in the educational setting. Any discrepancies among raters should be analyzed to accurately identify the student's adaptive functioning level. Potential issues to consider include: 1) variance of the student's behavior in different contexts, 2) raters who are not familiar with the student, and/or 3) rater's perception of the student. Multidisciplinary Evaluation Teams should carefully consider these factors in determining the student's adaptive functioning.

## **Exclusionary Factors**

In addition to considering the eligibility for special education criteria within the state and federal definitions of cognitive impairment, there is a need to consider 1) adverse educational impact, 2) need for special education, 3) lack of instruction or limited English proficiency and 4) social and cultural background. Eligibility must result from the disability and its effects on performance, not from interference of extraneous factors. Courts and hearing officers frequently refer back to three basic elements in the determination of special education eligibility:

- (a) criteria within an eligibility category,
- (b) adverse educational impact, and
- (c) need for special education programs and services.

Important considerations include the following:

1. If a student has a clinical diagnosis of mental retardation or a related disorder, she/he may not automatically qualify for special education.
2. Even though Cognitive Impairment is considered a lifelong disability, a student with CI may or may not need special education services at a given point in time.
3. The IEP Team should assess the need for a special education program and/or services based on the student's current functioning, not his/her projected needs.

### **Adverse Impact**

Both Michigan's current definition of Cognitive Impairment and the IDEA definition of Cognitive Impairment specify that adverse impact on education must be determined.

Determinations of adverse impact or need for special education should be based on such evidence as:

- progress in the general education curriculum
- academic achievement and progress
- student grades
- social and other behavioral factors
- growth, given interventions
- adaptive behavior

These are fundamental considerations in addressing adverse impact and should be carefully reviewed.

### **Need for Special Education**

In addition to consideration of adverse impact, a determination must be made of the child's need for special education. Although an adverse impact may exist, there may be no need for special education if the student's difficulty can be addressed with general education accommodations and modifications. It is important for educational teams to review the amount of support that is necessary for the student to be successful in the general education setting.

Courts and hearing officers have addressed the need for special education considering numerous types of disabilities. A student may meet the criteria for an eligibility category that adversely affects educational performance, but if the student can benefit from his general education program, there is no need for special education and the student is ineligible.

**Lack of Instruction or Limited English Proficiency**

An additional exclusion factor involves lack of instruction in math, the essential components of reading instruction, and/or limited English proficiency. While this is not addressed in Michigan's rules, IDEA requires consideration of these factors. When a student misses numerous days of instruction, it is important to document instructional interventions used to provide the student with appropriate learning opportunities. Without documented interventions and the student's response to those interventions, this exclusionary factor cannot be adequately addressed.

**Social and Cultural Background**

In the evaluation process, careful consideration must be given to the impact, if any, of social and cultural influences.

The consideration of the following questions is helpful:

1. How was the family of the student involved in the data collection and decision-making process?
2. How have student progress and instructional strategies been reviewed in terms of reflecting culturally responsive learning environments?
3. How were test data interpreted in light of the influence social and cultural issues?
4. What assessment strategies were utilized?
5. To the extent possible, how were culturally sensitive assessment practices utilized?

## EXCLUSIONARY FACTORS WORKSHEET

### Cognitive Impairment

Each factor must be ruled out as the PRIMARY FACTOR for the student's inability to progress in the general education curriculum, and for obtained cognitive and adaptive scores.	Yes	No
<b>1. Lack of instruction in essential components of reading and math</b>		
Does information obtained during assessment indicate lack of instruction in reading and math is not the determinant factor in this student's inability to progress in the general education curriculum?		
<b>2. Limited English Proficiency</b>		
Answer the following questions		
• Is there a language other than English spoken by this student?		
• Is there a language other than English spoken in the student's home?		
• Are there any specific dialect or cultural influences that would affect the student's ability to speak or understand English?		
<i>If questions in Section 2 are NO, limited English proficiency is not a determinant factor.</i>		
<i>If any of the questions in Section 2 are YES, please document the reason (s) that English proficiency is not the primary reason for the student's deficit cognitive and/or adaptive scores.</i>		
<b>3. Cultural Background Differences</b>		
<i>Document all information gathered in assessment that would exclude environmental or cultural disadvantage as the determinant factor for this student's inability to access general education curriculum or perform significantly below normal on measures of Cognition, Achievement, and Adaptive Behavior.</i>		
• Is there compelling evidence from data gathered and information generated to indicate this student is unable to learn or perform on assessments due to cultural or background difference?		
<b>4. Medical Conditions That Impact School Performance</b>		
<i>Document all information gathered through assessment that would exclude medical or health reasons for this student's deficient performance on both assessments of cognition and adaptive behavior</i>		
• Does the student have a medical history and/or school history of medical or health-related difficulties?		
• If yes, would the student's health-related difficulties cause the student to have difficulty accessing general education curriculum?		
• Are there school records of illness or health-related conditions that would impact negatively on this student's ability to progress in the general education curriculum?		
<b>5. Socioeconomic Status, or Communication, Sensory or Motor Impairments</b>		
<i>Document all information gathered through assessment that would exclude sensory or motor impairments as a factor for this student's deficient performance on assessment of cognition, achievement, and adaptive functioning.</i>		
• Are the student's measured skills on the cognitive assessment consistently at or below the 2 <sup>nd</sup> percentile?		
• Are the student's measured skills of adaptive behavior consistently in the significantly deficient range across the adaptive area domains?		
• Are the student's observed behaviors in the classroom and school setting consistent with significantly deficient cognitive, academic, and adaptive functioning?		
• Does the assessment data indicate that lack of opportunity to learn due to socioeconomic circumstance is not the cause or primary reason for the student's deficient scores obtained on cognitive, achievement, and adaptive skills measured?		
<i>If the questions in Section 5 are YES, socioeconomic, communication, sensory or motor skills are not the reason for the student's inability to progress in the general education classroom.</i>		

~~\*This form is to be attached to the MET cover sheet.~~