

Standards for Special Education Evaluation & Eligibility

The following standards for special education evaluation and eligibility shall be effective July 1, 2017.

FUNCTIONAL DELAY

I. Definition

Functional Delay means a continuing significant disability in intellectual functioning and achievement which adversely affects the student's ability to progress in the general school program, but adaptive behavior in the home or community is not significantly impaired and is at or near a level appropriate to the student's chronological age, including:

(a) Significantly impaired intellectual functioning which is two or more standard deviations below the mean, and difficulties in these areas cannot be the primary reason for significantly impaired scores on measures of intellectual functioning:

1. Limited English proficiency;
2. Cultural factors;
3. Medical conditions that impact school performance;
4. Environmental factors; and
5. Communication, sensory or motor disabilities.

(b) Deficient academic achievement which is at or below the fourth percentile in two or more total or composite scores in the following areas:

1. Basic reading skills;
2. Reading fluency skills;
3. Reading comprehension;
4. Mathematics calculation;
5. Mathematics problem solving; and
6. Written expression.

(c) Home or school adaptive behavior scores that fall above the level required for meeting Intellectual Disability eligibility standards.

Other disability categories shall be used if they are more descriptive of student strengths and needs. The team must determine that underachievement is not

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primarily the result of Visual, Motor, or Hearing Disability, Intellectual Disability, Speech or Language Impairment, or a Specific Learning Disability.

II. Evaluation

The characteristics identified in the Functional Delay Definition are present.

Evaluation Procedures

A comprehensive evaluation performed by a multidisciplinary team using a variety of sources of information that are sensitive to cultural, linguistic, and environmental factors or sensory impairments to include the following:

- (1) Intelligence evaluation with an individual, standardized test of cognition or intellectual ability which takes into consideration the following:
 - (a) Selection of test instrument(s) that are sensitive to cultural, linguistic or sensory factors;
 - (b) Interpretation of test scores which take into account:
 1. The standard error of measurement for the test at the 68th percent confidence level; and
 2. Factors that may affect test performance; including:
 - (i) Limited English proficiency;
 - (ii) Cultural factors;
 - (iii) Medical conditions that impact school performance;
 - (iv) Environmental factors;
 - (v) Communication, sensory or motor disabilities; and
 - (vi) Determination that test performance due to these factors is not the primary reason for significantly impaired scores on measures of intellectual functioning.
- (2) Achievement evaluation with individual, standardized achievement test(s) in the areas of:
 - (a) Basic reading skills;
 - (b) Reading fluency skills;
 - (c) Reading comprehension;
 - (d) Mathematics calculation;
 - (e) Mathematics problem solving; and

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- (f) Written expression.
- (3) Home or school adaptive behavior assessment which is evaluated by individual, standardized instruments and determined by scores as appropriate; and
- (4) Documentation, including observation and/or assessment, of how Functional Delay adversely affects the child's educational performance in his/her learning environment and the need for specialized instruction and related services (i.e., to include academic and/or nonacademic areas).

Evaluation Participants

Information shall be gathered from the following persons in the evaluation of Functional Delay:

- (1) The parent;
- (2) The child's general education classroom teacher;
- (3) A licensed special education teacher;
- (4) A licensed school psychologist, licensed psychologist, licensed psychological examiner (under the direct supervision of a licensed psychologist), licensed senior psychological examiner, or licensed psychiatrist; and
- (5) Other professional personnel, as indicated.