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KEVIN HUFFMAN
COMMISSIONER

MEMORANDUM

TO: Directors of Special Education

FROM: Joey Hassell, Assistant Commissioner of Special Populations

DATE: June 26, 2014

RE: IDEA eligibility determination for students with suspected cognitive impairments

The purpose of this memorandum is to clarify the procedures to be followed by evaluation teams when determining Individuals with Disabilities Education Act (IDEA) eligibility for students with suspected cognitive impairments. This memorandum supersedes the memorandum regarding IDEA Eligibility Determinations for Children with Down syndrome issued by the department on June 3, 2009.

In order for students to receive special education services and supports, they must be evaluated and found eligible pursuant to Tennessee Rules & Regulations 0520-1-9-11 and Tennessee Disability Eligibility Standards. This evaluation must be comprehensive and include assessments for all areas of suspected disability in order for the Individualized Education Program (IEP) team to determine the most appropriate eligibility for that student. The purpose of conducting accurate and comprehensive assessments and evaluations, and thereby determining the appropriate IDEA disability for the student, is to collect data and information necessary for the provision of a Free and Appropriate Public Education (FAPE), including post-secondary transition services, to the student. Although a student's services are driven by their individual needs, a student's identified disability carries implications for associated areas of deficit that may need to be addressed in their Individual Education Program (IEP).

For example, although students with Down syndrome may meet the eligibility criteria for Developmental Delay, initial and re- evaluation teams of such students after seven years of age must determine the primary factors that are limiting the student's progress in the general education classroom. Therefore, comprehensive assessments must include individually administered standardized assessments of IQ/cognition and adaptive behavior. In these instances, the primary factors for students with Down syndrome are cognitive and adaptive

skills; therefore, Intellectual Disability would be the most appropriate eligibility for students with Down syndrome.

Likewise, students with Autism may meet the eligibility criteria for Speech or Language Impaired; however, evaluation teams must determine the primary factors that are limiting the student's progress in the general education classroom. Students with Autism also demonstrate delays in social skills, inconsistent responses to sensory stimuli, and/or insistence on sameness which may require additional supports. These needs may not be addressed without appropriate identification of the student's disability.

Neither Down Syndrome nor Autism are qualifying chronic or acute health problem within the definition of Other Health Impairment 34 C.F.R. 300.8(c)(9) and Tennessee Rules & Regulations §0520-1-9-.02(15). Therefore, for the reasons cited above, Other Health Impairment is not the student's disability for the purposes of special education and related services pursuant to the IDEA.

For additional questions, please contact Theresa.Nicholls@tn.gov.

cc: Theresa Nicholls, Director of Special Education Eligibility
Bill Wilson, Assistant General Counsel for Special Education
Nathan Travis, Deputy Assistant Commissioner