

3525.1333 DEVELOPMENTAL COGNITIVE DISABILITY.

Subpart 1. **Definition.** "Developmental cognitive disability (DCD)" means a condition resulting in significantly below average intellectual functioning and concurrent deficits in adaptive behavior that adversely affects educational performance and requires special education and related services. DCD does not include conditions primarily due to a sensory or physical impairment, traumatic brain injury, autism spectrum disorders, severe multiple impairments, cultural influences, or inconsistent educational programming.

Subp. 2. **Criteria.** The team shall determine that a pupil is eligible as having a DCD and is in need of special education instruction and related services if the pupil meets the criteria in items A and B.

A. The pupil demonstrates below average adaptive behavior in school and home, and, if appropriate, community environments. For the purposes of this item, "below average" means:

(1) a composite score at or below the 15th percentile on a nationally normed, technically adequate measure of adaptive behavior; and

(2) documentation of needs and the level of support required in at least four of the seven adaptive behavior domains across multiple environments. Systematic observation and parent input must be included as sources to document need and level of support. All of the following adaptive behavior domains must be considered:

- (a) daily living and independent living skills;
- (b) social and interpersonal skills;
- (c) communication skills;
- (d) academic skills;
- (e) recreation and leisure skills;
- (f) community participation skills; and
- (g) work and work-related skills.

Other sources of documentation may include checklists; classroom or work samples; interviews; criterion-referenced measures; educational history; medical history; or pupil self-report.

B. The pupil demonstrates significantly below average general intellectual functioning that is measured by an individually administered, nationally normed test of

intellectual ability. For the purposes of this subitem, "significantly below average general intellectual functioning" means:

(1) mild-moderate range: two standard deviations below the mean, plus or minus one standard error of measurement; and

(2) severe-profound range: three standard deviations below the mean, plus or minus one standard error of measurement.

Significantly below average general intellectual functioning must be verified through a written summary of results from at least two systematic observations with consideration for culturally relevant information, medical and educational histories, and one or more of the following: supplemental tests of specific abilities, criterion-referenced tests, alternative methods of intellectual assessment, clinical interviews with parents, including family members, if appropriate, or observation and analysis of behavior across multiple environments.

Subp. 3. [Repealed, 26 SR 657]

Statutory Authority: *MS s 120.17; L 1999 c 123 s 19,20*

History: *16 SR 1543; 17 SR 3361; L 1998 c 397 art 11 s 3; 26 SR 657*

Published Electronically: *October 12, 2007*