

## Developmental Disabilities Determination Guidelines

Idaho Code 66-402	Interpretation
<p>“Developmental Disability” means a chronic disability of a person which appears before the age of twenty-two (22) years <b>and:</b></p>	<p>Age of twenty-two (22) means through the day before the individual’s twenty-second birthday.</p>
<p>(a) is attributable to an impairment, such as mental retardation,</p>	<p>Is attributable to an impairment means that there is a causal relationship between the presence of an impairing condition and the developmental disability.  <b>Ages 5-Adult:</b> There is a presumption that mental retardation exists when a full scale IQ or functional assessment score up to 75 exists. (IQ of 70 with a standard error of measurement of 5 points.)  <b>Ages 5 and Below:</b> An IQ test score is not required below the age of 5. In these cases it may be necessary to rely on the results of a functional assessment. There is a presumption that mental retardation exists when there is a standard score of 75 or below or a delay of 30% overall.</p>
<p>cerebral palsy,</p>	<p>Medical Diagnosis (requires documentation)</p>
<p>epilepsy,</p>	<p>Medical Diagnosis (requires documentation). On medication controlled or uncontrolled. Does not include a person who is seizure-free and not on medication for 3 years.</p>
<p>autism,</p>	<p>Includes the diagnosis of pervasive developmental disorder.</p>
<p>or other condition found to be closely related to or similar to one of these impairments that requires similar treatments or services,</p>	<p>For related or similar conditions, documentation must be present to show the causal relationship between the impairing condition and the developmental disability. (Does not include mental illness)</p> <p><u>Mental Retardation.</u> A full scale IQ score above 75 can in some circumstances be considered a related or similar condition to mental retardation when additional supporting documentation exists showing how the individual’s functional limitations make their condition similar to mental retardation.</p> <p><u>Cerebral Palsy:</u> Conditions related or similar to cerebral palsy include disorders which cause a disruption in motor function.</p> <p><u>Epilepsy.</u> Conditions related or similar to epilepsy include disorders that interrupt consciousness.</p>
<p>or is attributable to dyslexia resulting from such impairments; <b>and</b></p>	
<p>(b) results in substantial functional limitation in three (3) or more of the following major life activities:</p>	<p>“Results in” means that the substantial limitation must be because of the impairment. A “substantial” limitation is one in which the total effect of the limitation results in the need for a “combination and sequence of special interdisciplinary, or generic care, treatment or other services that need to be individually planned and coordinated.” Listed below are interpretations for substantial functional limitations in each major life area.  <b>Ages 3 to Adult:</b> A score of two (2) standard deviations below the mean creates a presumption of a functional limitation.  <b>Ages Birth to 3:</b> The following criteria shall be utilized to determine a substantial functional limitations for children under 3:  a.. The child scores 30% below age norm; or</p>

Idaho Code 66-402	Interpretation
	b. The child exhibits a six month delay; or c. The child scores two (2) standard deviations below the norm.
self care,	<p><b>Adult:</b> A substantial functional limitation is manifest when the person requires physical and/or non-physical assistance in performing eating, hygiene, grooming, or health skills, or when the time required for a person to perform these skills him/her self is so substantial as to impair his/her ability to conduct other activities of daily living or retain employment.</p> <p><b>Birth to Age 21:</b> A functional limitation is manifest when the child's skills are limited according to age appropriate responses such that the parent, caregiver, or school personnel is required to provide care which is substantially beyond that typically required for a child of the same age (e.g. excessive time lifting, diapering, supervision).</p>
receptive and expressive language,	<p><b>Age 3 to Adult:</b> A substantial functional limitation is manifest when a person is unable to communicate effectively without the aid of a third person, a person with special skills, or without an assistive device (e.g. sign language).</p> <p><b>Birth to Age 3:</b> A substantial functional limitation is manifest when they have been diagnosed by a qualified professional who determines that the child performs 30% below age norm (adjusted for prematurity up to 2 years) or demonstrates at least two standard deviations below the mean in either area or 12 below in both areas of language development.</p>
learning,	<p><b>For children and adults:</b> A substantial functional limitation is manifest when cognition, retention, reasoning, visual or aural communications, or other learning processes or mechanisms are impaired to the extent that special (interventions that are beyond those that an individual normally needs to learn) intervention is required for the development of social, self care, language, academic, or vocational skills.</p>
mobility,	<p><b>Adults:</b> A substantial functional limitation is manifest when fine and/or gross motor skills are impaired to the extent that the assistance of another person or an assistive device is required for movement from place to place.</p> <p><b>Birth to Age 21:</b> A substantial limitation would be measured by an age appropriate instrument which compares the child's skills for postural control and movement and coordinated use of the small muscles with those skills expected of children of the same age.</p>
self-direction,	<p><b>Adults:</b> A substantial functional limitation is manifest when a person requires assistance in managing his/her personal finances, protecting his/her self interest, or making decisions which may affect his/her well being.</p> <p><b>Birth to Age 21:</b> A substantial limitation is manifest when the child is unable to help his/her self or cooperate with other age appropriate to meet personal needs, learn new skills, follow rules, and adapt to environments.</p>
capacity for independent living, or	<p><b>Adults:</b> A substantial functional limitation is manifest when, for a person's own safety or well-being, supervision or assistance is required, at least on a daily basis, in the performance of health maintenance, housekeeping, budgeting, or leisure time activities and in the utilization of community resources.</p> <p><b>Birth to Age 21:</b> A substantial limitation would be measured by an age appropriate instrument which compares the child's personal independence and social responsibility expected of children of comparable age and cultural group.</p>
economic self-sufficiency; and	<p><b>Adults:</b> A substantial functional limitation is manifest when a person is unable to perform the tasks necessary for regular employment or is limited in productive capacity to the extent that his/her earned annual income, after extraordinary expenses occasioned by the disability, is insufficient for self-support.</p> <p><b>Age 6 to Adult:</b> Use the pre-vocational area of a standardized functional assessment to document a limitation in this area.</p>

Idaho Code 66-402		Interpretation
		<b>Birth to Age 5:</b> A substantial limitation in this area is evidenced by the child's eligibility for SSI, early intervention, or early childhood special education under the Individuals with Disabilities Education Act (IDEA).
(c)	Reflects the needs for a combination and sequence of special, interdisciplinary or generic care, treatment or other services which are of life-long or extended duration and individually planned and coordinated.	<p><b>Life-long or extended duration</b> means the developmental disability is one which has the reasonable likelihood of continuing for a protracted period of time, including a reasonable likelihood that it will continue throughout life.</p> <p><b>Birth to Age 5:</b> The expected duration may be frequently unclear. Therefore, determination of eligibility by a multi-disciplinary team for early intervention services through SSI, and IFSP, child study team or early childhood special education services through an IEP will be an indicator of this criterion.</p>

A variety of standardized test instruments are available. Tests used to determine a developmental disability must reflect the current functional status of the individual being evaluated. Tests over one year old must be verified as to reflect the current status of the individual by an appropriate professional.

**For Adults:** It is strongly recommended that unless contra-indicated, the following test instruments or subsequent revisions be used when eligibility is in question:

Cognitive: Wechsler Adult Intelligence Scale-Revised (WAIS-R)

Functional: Scales of Independent Behavior – Revised (SIB-R)

**For Children:** For children the assessments utilized to determine limitations must be based on age appropriate criteria. It is recommended, based upon age level, that unless contra-indicated, test instruments such as the following be used with children:

Cognitive

- Bayley Scales of Infant Development/Second Edition (BSID-II) – Ages birth through 42 months
- Stanford Binet Intelligence Scale/Fourth Edition – Ages two through adult
- Wechsler Preschool and Primary Scale of Intelligence/Revised (WPPSI-R) – Ages three to 7.3 years
- Wechsler Intelligence Scale for Children/Third Edition (WISC-III) – Ages six through 16.11
- Wechsler Adult Intelligence Scale/Revised (WAIS-R) – Ages 16 to adult

Functional

- American Association on Mental Retardation Adaptive Behavior Scale: School (ABS-S) – Ages 3 through 21
- Battelle Developmental Inventory – Ages birth to 95 months
- Developmental Profile II – Ages birth through 12
- Scales of Independent Behavior (SIB-R) – Ages birth through adult
- Vineland Adaptive Behavior Scales (VABS) – Ages birth to 18.11 years
- Mullen Scales of Early Learning (MSEL) – Ages birth to 3
- Preschool Language Scale-3 (PLS-3) – Ages birth to 3
- Peabody Developmental Morot Scales – Ages birth to 3
- Receptive-Expressive Emergent Language Scale-2 (REEL-2) – For parent interview

For children, evaluations must be performed by qualified personnel with experience and expertise with children; selected evaluation tools and practices should be age appropriate, based on consideration of the child's language and motor skills, be racially and culturally non-discriminatory, and be conducted in settings which are typically comfortable and familiar to the child. Instruments designed only for screening purposes shall not be used to determine eligibility.