

# Michigan Administrative Rules for Special Education (April 2009)

## Eligibility for Student with Cognitive Impairment

[http://www.michigan.gov/documents/mde/MARSE-April09\\_274156\\_7.pdf](http://www.michigan.gov/documents/mde/MARSE-April09_274156_7.pdf)

### **R 340.1702 “Student with a disability” defined.**

#### *Rule 2.*

“Student with a disability” means a person who is determined by an individualized education program team or a hearing officer to have 1 or more of the impairments specified in this part Michigan Administrative Rules for Special Education / April 2009 **Part 1 11** that necessitates special education or related services, or both, who is not more than 25 years of age as of September 1 of the school year of enrollment, who has not completed a normal course of study, and who has not graduated from high school. A student who reaches the age of 26 years after September 1 is a “student with a disability” and entitled to continue a special education program or service until the end of that school year.

### **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 behavioral characteristics:

- (a) Development at a rate at or below approximately 2 standard deviations below the mean as determined through intellectual assessment.
- (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.