

MARSE R 340.1705: Cognitive impairment; determination.

Rule 5. EXCERPT

- (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.

MARSE R 340.1706 Emotional impairment; determination; evaluation report

Rule 6. EXCERPT

- (1) Emotional impairment shall be determined through manifestation of behavioral problems primarily in the affective domain, over an extended period of time, which adversely affect the student's education to the extent that the student cannot profit from learning experiences without special education support. The problems result in behaviors manifested by 1 or more of the following characteristics:
 - (a) Inability to build or maintain satisfactory interpersonal relationships within the school environment.
 - (b) Inappropriate types of behavior or feelings under normal circumstances.
 - (c) General pervasive mood of unhappiness or depression.
 - (d) Tendency to develop physical symptoms or fears associated with personal or school problems.

MARSE R 340.1707 Hearing impairment explained; determination.

Rule 7. EXCERPT

- (1) The term "hearing impairment" is a generic term which includes both students who are deaf and those who are hard of hearing and refers to students with any type or degree of hearing loss that interferes with development or adversely affects educational performance. "Deafness" means a hearing impairment that is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification. The term "hard of hearing" refers to students with hearing impairment who have permanent or fluctuating hearing loss which is less severe than the hearing loss of students who are deaf and which generally permits the use of the auditory channel as the primary means of developing speech and language skills.

MARSE R 340.1708 Visual impairment explained; determination.

Rule 8. EXCERPT

- (1) A visual impairment shall be determined through the manifestation of both of the following:
 - (a) A visual impairment which, even with correction, interferes with development or which adversely affects educational performance. Visual impairment includes both partial sight and blindness.
 - (b) One or more of the following:
 - (i) A central visual acuity for near or far point vision of 20/70 or less in the better eye after routine refractive correction.
 - (ii) A peripheral field of vision restricted to not more than 20 degrees.
 - (iii) A diagnosed progressively deteriorating eye condition.

MARSE R 340.1709 "Physical impairment" defined; determination.

Rule 9. EXCERPT

- (1) "Physical impairment" means severe orthopedic impairment that adversely affects a student's educational performance.

MARSE R 340.1709a "Other health impairment" defined; determination.

Rule 9a. EXCERPT

- (1) "Other health impairment" means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, which results in limited alertness with respect to the educational environment and to which both of the following provisions apply:
 - (a) Is due to chronic or acute health problems such as any of the following:
 - (i) Asthma.
 - (ii) Attention deficit disorder.
 - (iii) Attention deficit hyperactivity disorder.
 - (iv) Diabetes.
 - (v) Epilepsy.
 - (vi) A heart condition.
 - (vii) Hemophilia.
 - (viii) Lead poisoning.
 - (ix) Leukemia.
 - (x) Nephritis.
 - (xi) Rheumatic fever.
 - (xii) Sickle cell anemia.
 - (b) The impairment adversely affects a student's educational performance.

MARSE R 340.1710 "Speech and language impairment" defined; determination.

Rule 10. EXCERPT

- (1) A "speech and language impairment" means a communication disorder that adversely affects educational performance, such as a language impairment, articulation impairment, fluency impairment, or voice impairment.
- (2) A communication disorder shall be determined through the manifestation of 1 or more of the following speech and language impairments that adversely affects educational performance:
 - (a) A language impairment which interferes with the student's ability to understand and use language effectively and which includes 1 or more of the following:
 - (i) Phonology.
 - (ii) Morphology.
 - (iii) Syntax.
 - (iv) Semantics.
 - (v) Pragmatics.
 - (b) Articulation impairment, including omissions, substitutions, or distortions of sound, persisting beyond the age at which maturation alone might be expected to correct the deviation.
 - (c) Fluency impairment, including an abnormal rate of speaking, speech interruptions, and repetition of sounds, words, phrases, or sentences, that interferes with effective communication.
 - (d) Voice impairment, including inappropriate pitch, loudness, or voice quality.

MARSE R 340.1711 "Early childhood development delay" defined; determination.

Rule 11. EXCERPT

- (1) "Early childhood developmental delay" means a child through 7 years of age whose primary delay cannot be differentiated through existing criteria within R 340.1705 to R 340.1710 or R 340.1713 to R 340.1716 and who manifests a delay in 1 or more areas of development equal to or greater than 1/2 of the expected development. This definition does not preclude identification of a child through existing criteria within R 340.1705 to R 340.1710 or R 340.1713 to R 340.1716.

MARSE R 340.1713 Specific learning disability defined; determination.

Rule 13. EXCERPT

- (a) "Specific learning disability" means a disorder in 1 or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of cognitive impairment, of emotional impairment, of autism spectrum disorder, or of environmental, cultural, or economic disadvantage.

§ 300.309 Determining the existence of a specific learning disability. EXCERPT

- (a) The group described in § 300.306 may determine that a child has a specific learning disability, as defined in § 300.8(c)(10), if—
- (1) The child does not achieve adequately for the child's age or to meet State-approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the child's age or State-approved grade-level standards:
- (i) Oral expression.
 - (ii) Listening comprehension.
 - (iii) Written expression.
 - (iv) Basic reading skill.
 - (v) Reading fluency skills.
 - (vi) Reading comprehension.
 - (vii) Mathematics calculation.
 - (viii) Mathematics problem solving.

MARSE R 340.1714 Severe multiple impairment; determination.

Rule 14. EXCERPT

- (1) Students with severe multiple impairments shall be determined through the manifestation of either of the following:
 - (a) Development at a rate of 2 to 3 standard deviations below the mean and 2 or more of the following conditions:
 - (i) A hearing impairment so severe that the auditory channel is not the primary means of developing speech and language skills.
 - (ii) A visual impairment so severe that the visual channel is not sufficient to guide independent mobility.
 - (iii) A physical impairment so severe that activities of daily living cannot be achieved without assistance.
 - (iv) A health impairment so severe that the student is medically at risk.
 - (b) Development at a rate of 3 or more standard deviations below the mean or students for whom evaluation instruments do not provide a valid measure of cognitive ability and 1 or more of the following conditions:
 - (i) A hearing impairment so severe that the auditory channel is not the primary means of developing speech and language skills.
 - (ii) A visual impairment so severe that the visual channel is not sufficient to guide independent mobility.
 - (iii) A physical impairment so severe that activities of daily living cannot be achieved without assistance.
 - (iv) A health impairment so severe that the student is medically at risk.

MARSE R 340.1715 Autism spectrum disorder defined; determination.

Rule 15. EXCERPT

- (1) Autism spectrum disorder is considered a lifelong developmental disability that adversely affects a student's educational performance in 1 or more of the following performance areas:
 - (a) Academic.
 - (b) Behavioral.
 - (c) Social.

Autism spectrum disorder is typically manifested before 36 months of age. A child who first manifests the characteristics after age 3 may also meet criteria. Autism spectrum disorder is characterized by qualitative impairments in reciprocal social interactions, qualitative impairments in communication, and restricted range of interests/repetitive behavior.

MARSE R 340.1716 "Traumatic brain injury" defined; determination.

Rule 16. EXCERPT

- (1) "Traumatic brain injury" means an acquired injury to the brain which is caused by an external physical force and which results in total or partial functional disability or psychosocial impairment, or both, that adversely affects a student's educational performance. The term applies to open or closed head injuries resulting in impairment in 1 or more of the following areas:
 - (a) Cognition.
 - (b) Language.
 - (c) Memory
 - (d) Attention.
 - (e) Reasoning.
 - (f) Behavior.
 - (g) Physical functions.

 - (h) Information processing.
 - (i) Speech.

MARSE R 340.1717 Deaf-blindness defined; determination.

Rule 17. EXCERPT

- (1) Deaf-blindness means concomitant hearing impairment and visual impairment, the combination of which causes severe communication and other developmental and educational needs that cannot be accommodated in special education programs without additional supports to address the unique needs specific to deaf-blindness. Deaf-blindness also means both of the following:
 - (a) Documented hearing and visual losses that, if considered individually, may not meet the requirements for visual impairment or hearing impairment, but the combination of the losses affects educational performance.
 - (b) Such students function as if they have both a hearing and visual loss, based upon responses to auditory and visual stimuli in the environment, or during vision and hearing evaluations.