

IDEA Language

**Intellectual disability**

(1) "Intellectual Disability" means significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child's developmental progress (ages 3 through 5) or educational performance (ages 5 through 21).

(12) If a child is suspected of having an intellectual disability, the following evaluations must be conducted: a comprehensive evaluation must be conducted, including the following:

- (a) Intelligence test. An individually administered standardized intelligence test meeting the reliability and validity standards of the American Psychological Association and administered by a licensed-school psychologist, a psychologist licensed by the State Board of Psychological Examiners under ORS chapter 675, school psychologist licensed by an appropriate authority in another state, or other individual assigned by a school district who has the training and experience to administer and interpret individually administered intelligence tests;
- (b) Adaptive behavior scale. The administration of a valid adaptive behavior scale;
- (c) Medical or health assessment statement. A medical statement or a health assessment statement indicating whether there are any sensory or physical factors that may be affecting the child's educational performance;
- (d) Developmental history. A developmental history of the child;
- (e) Other:

(A) Any additional assessments necessary to determine the impact of the suspected disability:

- (i) On the child's developmental progress for a preschool child (age 3 through 5); or
- (ii) On the child's educational performance for a school-age child (age 5 through 21); and

(B) Any additional evaluations or assessments necessary to identify the child's development or educational needs.

(3) If a child is suspected of having an intellectual disability, a medical examination is not required but may be completed if the evaluation team determines that it is necessary. The purpose of a medical examination is to ensure consideration of other health and/or physical factors that may impact a child's developmental progress (age 3 through 5) or educational performance (age 5 through 21). The medical examination must be conducted by:

- (A) A physician licensed under ORS chapter 677 or by the appropriate authority in another state;
- (B) A naturopathic physician licensed under ORS chapter 685 or by the appropriate authority in another state;
- (C) A nurse practitioner licensed under ORS 678.375 to 678.390 or by the appropriate authority in another state; or
- (D) A physician assistant licensed under ORS 677.505 to 677.525 or by the appropriate authority in another state.

(24) To be eligible as a child with an intellectual disability, the child must meet the following minimum criteria:

- (a) The child's intelligence test score is 2 or more standard deviations below the mean;
- (b) The child has deficits in adaptive behavior coexistent with the child's impairment in intellectual functioning;
- (c) The child's developmental level or educational achievement is significantly below age or grade norms; and
- (d) The child's developmental or educational problems are not primarily the result of sensory disabilities or other physical factors.

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(3) For a child to be eligible for special education services as a child with an intellectual disability, the eligibility team must ~~also~~ determine that:

~~(a) The child's disability has an adverse impact on the child's educational performance; and~~

~~(b) The child needs special education services.~~

(a) The child has an intellectual disability as defined in this rule; and

(b) The child is eligible for special education services in accordance with OAR 581-015-2795 and/or OAR 581-015-2120.

**Statutory/Other Authority:** ORS 343.035(1), 343.045, 343.146 & 343.157;

**Statutes/Other Implemented:** ORS 343.035(1), 343.045, 343.146, 343.157, 34 CFR 300.8 & 300.306

**History:**

ODE 12-2011, f. & cert. ef. 10-31-11

Renumbered from 581-015-0051, ODE 10-2007, f. & cert. ef. 4-25-07

ODE 2-2003, f. & cert. ef. 3-10-03

ODE 8-2001, f. & cert. ef. 1-29-01

ODE 11-2000, f. 5-3-00, cert. ef. 7-1-00

EB 22-1995, f. & cert. ef. 9-15-95

EB 16-1992, f. & cert. ef. 5-13-92

EB 25-1991(Temp), f. & cert. ef. 11-29-91

1EB 7-1986, f. & ef. 2-24-86

Reverted to 1EB 29-1978, f. & ef. 7-20-78

1EB 18-1983(Temp), f. & ef. 12-20-83

1EB 29-1978, f. & ef. 7-20-78

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