

COMPARISON OF THE FEDERAL DEFINITION OF DEVELOPMENTAL DISABILITY AND THE COLORADO DEFINITION OF DEVELOPMENTAL DISABILITY

Federal Definition of Developmental Disability

The Definition that the Colorado Developmental Disabilities Council operates under is the Federal definition, found in PL 106-402, except the Council has chosen to not limit their activities to manifestations occurring to a particular age on onset, as allowed by the Council's federal authorization.

- (A) In general.- The term "developmental disability" means a severe, chronic disability of an individual that-
- (i) is attributable to a mental or physical impairment or combination of mental and physical impairments;
 - (ii) is manifested before the individual attains age 22
 - (iii) is likely to continue indefinitely;
 - (iv) results in substantial functional limitations in 3 or more of the following areas of major life activity:
 - (I) Self-care.
 - (II) Receptive and expressive language.
 - (III) Learning.
 - (IV) Mobility.
 - (V) Self-direction.
 - (VI) Capacity for independent living.
 - (VII) Economic self-sufficiency; and
 - (v) Reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.
- (B) Infants and Young Children.- an individual from birth to age 9, inclusive, who has a substantial developmental delay or specific congenital or acquired condition, may be considered to have a developmental disability without meeting 3 or more of the criteria described in clauses (i) through (v) of subparagraph (A) if the individual, without services and supports, has a high probability of meeting those criteria later in life.

COLORADO DEVELOPMENTAL DISABILITIES SERVICES DEFINITION OF DEVELOPMENTAL DISABILITIES

In Colorado, Developmental Disabilities Services is the state agency with the primary responsibility of serving people with developmental disabilities. This system is responsible for determining eligibility for services and supports and uses a definition that is different from the Federal definition. As you will notice, this definition states that you must have a cognitive impairment to be eligible for services. This effectively excludes persons whose disability does not have a component of cognitive impairment. The state definition is found in Title 27-10.5-102, C.R.S.:

(11) (a) "Developmental disability" means a disability that is manifested before the person reaches twenty-two years of age, which constitutes a substantial disability to the affected individual, and is attributable to mental retardation or related conditions which include cerebral palsy, epilepsy, autism, or other neurological conditions when such conditions result in impairment of general intellectual functioning or adaptive behavior similar to that of a person with mental retardation. Unless otherwise specifically stated, the federal definition of "developmental disability" found in 42 U.S.C. sec 15001 et seq. shall not apply.

(b) "Person with a developmental disability" means a person determined by a community centered board to have a developmental disability and shall include a child with a developmental delay.

(c) "Child with a developmental delay" means:

- (I) A person less than five years of age with delayed development as defined by the department; or
- (II) A person less than five years of age who is at risk of having a developmental disability as defined by the department.

Colorado Rules (2 CCR 503-1) 16.120 further define....

A. Impairment of general intellectual functioning means that the person has been determined to have an intellectual quotient equivalent which is two or more standard deviations below the mean (70 or less assuming a scale with a mean of 100 and a standard deviation of 15), as measured by an instrument which is standardized, appropriate to the nature of the person's disability, and administered by a qualified professional. The standard error of measurement of the instrument should be considered when determining the intellectual quotient equivalent. When an individual's general intellectual functioning cannot be measured by a standardized instrument, then the assessment of a qualified professional shall be used.

B. Adaptive behavior means that the person has overall adaptive behavior which is significantly limited in two or more skill areas (communication, self-care, home living, social skills, community use, self-direction, health and safety, functional academics, leisure, and work), as measured by an instrument which is standardized, appropriate to the person's living environment, and administered and clinically determined by a qualified professional.

C. Similar to that of a person with mental retardation, in regard to adaptive behavior, means that a person's adaptive behavior limitations are a direct result of, or are significantly influenced by, the person's substantial cognitive deficits and may not be attributable to only a physical or sensory impairment or mental illness.

"Developmental Delay" means that a child meets one or more of the following:

A. A child who is less than five (5) years of age at risk of having a developmental disability because of the presence of one or more of the following:

- 1. Chromosomal conditions associated with delays in development,
- 2. Congenital syndromes and conditions associated with delays in development,
- 3. Sensory impairments associated with delays in development,
- 4. Metabolic disorders associated with delays in development,
- 5. Prenatal and perinatal infections and significant medical problems associated with delays in development,
- 6. Low birth weight infants weighing less than 1200 grams, or
- 7. Postnatal acquired problems resulting in delays in development.

B. A child less than five (5) years of age who is significantly delayed in development in one or more of the following areas:

- 1. Communication,
- 2. Adaptive behavior,
- 3. Social-emotional,
- 4. Motor,
- 5. Sensory, or
- 6. Cognition.

C. A child less than three (3) years of age who lives with one or both parents who have a developmental disability.