Assessing Substantial Disability
What Does the Law Say

• (l) "Substantial disability" means the existence of significant functional limitations in three or more of the following areas of major life activity, as determined by a regional center, and as appropriate to the age of the person: (1) Self-care. (2) Receptive and expressive language. (3) Learning. (4) Mobility. (5) Self-direction. (6) Capacity for independent living. (7) Economic self-sufficiency. Any reassessment of substantial disability for purposes of continuing eligibility shall utilize the same criteria under which the individual was originally made eligible. (Welfare and Institutions Code 4512)
The Two Questions for Eligibility

• Does an individual have a condition that would potentially qualify for services under the Lanterman Act?
• Does the individual have a substantial disability in three or more areas of functioning as described in this same act?
Greater Complexity in Addressing These Two Questions

• More Complex Decision Making when assessing for potential 5th Category

• Changes in the DSM-5
  – Subsuming PDD-NOS and Asperger’s Disorder within Autism Spectrum Disorder
  – Emphasizing a more qualitative assessment of Intellectual Disability (ID)
Other Considerations

• Previous conflicting assessments
  – Varying diagnoses and levels of functioning

• Individual differences in informants
  – Informants that may not be fully aware of an individual’s functioning
  – Informants who either over or under report abilities

• Cultural Variables
General Testing Considerations

• Multi-method, multi-operational
  – Multiple assessments, in more than one session and in a variety of settings

• Do not rely solely on interview.
  – Incorporate direct observation to provide another dimension and/or additional information for the assessment

• Multiple informants
  – caregivers, teachers, other professionals etc.
Standardized Tools: Strengths and Weakness

• Informant based interviews (VABS-II, ABAS, Survival Skills Inventory)
• Quantitative measures of achievement (KTEA-II, WRAT-3, WIAT-III)
• Quantitative measures of language acquisition (PPVT-4, One Word Receptive and Expressive Language Test, WIAT and KTEA tests of oral and receptive language)
Differential Diagnosis

• A comprehensive evaluation for ASD or Intellectual Disability includes a differential diagnosis as part of the diagnostic process
• DSM V stresses being inclusive of all problematic areas and other diagnoses when making the final diagnosis of ASD or Intellectual Disability
• When determining a diagnosis or substantial disability, it is important to determine the impact of each diagnosis on adaptive functioning
Differential Diagnosis Continued…

- Other possible differential diagnoses or final diagnoses that may have an impact on adaptive functioning:
  - Neurodevelopmental Disorders (ADHD Tourette Disorder etc.)
  - Thought Disorders (Schizophrenia, Schizoaffective Disorder, etc.)
  - Mood Disorders (Depression, Bipolar Disorder, Anxiety, PTSD, etc.)
  - Personality Disorders (Avoidant Personality Disorder, etc.)
  - Processing Disorders (Language Disorder, Learning Disorders, Sensory Integration Dysfunction, etc.)

- All of these conditions can potentially impact level of daily functioning
Substantial Disabilities Categories For Children 3-12 Years of Age

• Self-Care
• Receptive and Expressive Language
• Learning
• Mobility
• Self-Direction
Substantial Disabilities Categories for Adolescents and Adults

- Self-Care
- Receptive and Expressive Language
- Learning
- Mobility
- Self-Direction
- Capacity for Independent Living
- Economic Self-Sufficiency
Self-Care
Definition for All Ages

• Significant limitations in ability to acquire and perform basic self-care skills
  – Personal hygiene
  – Grooming
  – Feeding

• Not just considering if the child currently demonstrates the ability, but do they have the innate ability to learn this information
Developmental Examples

• Preschoolers (ages 3-5)
  – Chews and swallows proficiently
  – Drinks from a cup
  – Uses utensils
  – Alerts to soiling or need to use bathroom
  – Removes own clothing
  – Makes helpful movements during personal care activities
Developmental Examples

• Elementary School (ages 6-12)
  – Use utensils correctly
  – Eats independently and with neatness
  – Toilet trained
  – Wipes/blows nose
  – Dresses self
  – Selects own clothing
  – Uses buttons and zippers
  – Puts shoes on correctly
  – Washes face
  – Brushes teeth
  – Regulates water for bathing
Suggested Interview Considerations and Questions for All Ages

• How does the child appear in terms of hygiene and general appearance?
• When asked in general about self-care, what concerns are reported?
• Is the child expected to perform self-care tasks independently at home?
• Are tasks not completed because of inability to understand or do them, or is it a compliance issue?
• CP specific considerations:
  – Oral-motor limitations with eating, chewing and/or swallowing?
  – Limitations in ability to manage self-care tasks because of mobility and fine motor issues related to CP?
Additional Suggested Considerations and Interview Questions (13 years and up):
Self-Care

• Does the individual swallow pills as needed?
• Bathes or showers independently?
• Uses deodorant, shaves as needed?
• Has appropriate hair and nail care?
• Does the individual have any toileting issues?
• Can the individual manage feminine hygiene tasks?
Receptive and Expressive Language: Definition for All Ages

• The individual has significant limitations in both the comprehension and expression of verbal and/or nonverbal communication resulting in functional impairments
  - There must be impairment in receptive and expressive language to consider Receptive and expressive Language to be an area of substantial disability

• Standard Measures: e.g., WIAT-III and KTEA-II (Oral and Receptive Language Tests) Peabody Picture Vocabulary Test-Third Edition
Receptive Language Considerations for All Ages

• Significant difficulty understanding a simple conversation
• Needing information to be rephrased to a simpler level in order to enhance understanding
• Significant difficulty following directions (not due to general noncompliance)
• Significant difficulty understanding and interpreting nonverbal communication (e.g., gestures, facial expressions)
Expressive Language Considerations For All Ages

• Significant difficulty communicating information
• Significant difficulty participating in basic conversations
  – Following rules for conversation and storytelling
  – Tangential speech
  – Fixation on specific topics
• Atypical speech patterns significantly impair the individual’s ability to communicate
  – Jargon
  – Idiosyncratic language
  – Echolalia
Typical Language Milestones

• **Language** is a complex and dynamic system of conventional symbols that is used in various modes for thought, comprehension and communication

• Receptive language milestones include:
  - Identification of categories, inference making, understanding analogies
  - Understands time concepts and qualitative concepts. Able to answer simple questions about a story. Letter and number recognition emerging or present. Able to understand 95% of what is said to them

• Expressive language milestones include:
  - Intelligibility: Approximately 95% intelligible to unfamiliar listeners.
  - Ability to use regular past tense verbs.
  - Ability to compare similarities, repeat sentences, use adjectives for describing, name categories and complete analogies
  - Defines words, may rhyme words, tell a story in sequence, repairs grammatical errors, and expresses quantity
Suggested Considerations and Interview Questions (3-12 years):
Receptive Language

• Can the child usually follow a simple conversation?

• Do information or requests frequently need to be rephrased to a simple level to enhance understanding?

• Does the child follow directions?
  – How many directions at a time?

• Does the child have a noticeable difficulty making sense of nonverbal communication such as gestures and facial expressions?
Suggested Considerations and Interview Questions (ages 13 and up):
Receptive Language

- Does the individual understand general information?
- What is the response time when presented with questions?
- Can the individual follow directions?
- How many directions at a time?
- If there is difficulty in following directions, does the caregiver believe it is a comprehension/attention/compliance issue?
- Can the individual understand information given at appointments/meetings?
- Can the individual meet with a doctor, return home, and relay adequate details about results of visit?
- Does the individual have significant difficulty understanding and interpreting nonverbal communication such as gestures and facial expressions?
- Does the individual monitor the listener’s reactions and comprehension of statements/information?
Suggested Considerations and Interview Questions (3-12 years):
Expressive Language

- How does the child communicate needs and wants?
- Can the child have a back-and-forth conversation with you?
- Does the child use nonverbal communication when speaking (hand gestures and facial expressions)?
- Does the child tend to only speak about their own interests?
- Does the child have any odd or unusual ways of speaking?
- Do these odd or unusual ways of speaking significantly impair the child’s ability to communicate?
Additional Suggested Considerations and
Interview Questions (ages 13 and up):
Expressive Language

- Is the individual able to engage in reciprocal conversation?
- Ask appropriate questions?
- Participate in group conversation with friends?
- Follow rules for conversation and storytelling?
- Does the individual tend to only speak about their own interests?
- Does the individual have any odd or unusual ways of speaking?
Learning Definition For All Ages

• The individual must be substantially impaired in the ability to acquire and apply knowledge or skills to new situations even with special intervention.
  – General intellectual ability
  – Academic achievement levels
  – Retention (e.g., short and/or long-term memory)
  – Reasoning (e.g., ability to grasp concepts, to perceive “cause and effect” relationships, ability to generalize information and skills from one situation to another)
Assessment Considerations: Obstacles to Learning

- Although individuals may display impairment in learning, it does not necessarily mean that they have a substantial disability in this area.
- Need to differentiate an individual with an inability to learn regardless of quality intervention from an individual that has those ability given the appropriate resources.
Suggested Interview Considerations and Questions for Learning in Preschool (ages 3-5)

• Points and identifies body parts?
• Knows age and gender?
• Knows colors?
• Knows shapes?
• Recognizes letters of the alphabet?
• Recites the alphabet?
• Recognizes numbers?
• Counts to what number?
• Counts objects?
Other Possible Learning Questions in Preschool aged children (3-5)

• What was the last task the child recently learned how to do?
• What was it like teaching the child?
• Did the child need the task to be broken down into simple steps to aide in the task learning?
• Present situations appropriate for age
  – If told that stove is hot, will the child not touch the stove?
  – If taught to clean up at day care/school setting, does the child follow the same rule at home?
Suggested Interview Considerations and Questions Learning: Elementary School (ages 6-12)

• Is the child receiving special education?
  – What type?
  – How much?
• What is your estimation of the child’s reading level or math level?
• Can the child tell time on an analog clock at least by the hour?
• Can the child identify coins and values of coins?
• Is the child able to recall what they did last weekend? Or what they did for their last birthday?
Suggested Interview Considerations and Questions Learning: Elementary School (ages 6-12) Continued…

• What was the last task the child recently learned how to do?
• What was it like teaching the child?
• Did the child need the task to be broken down into simple steps to aide in the task learning?
• Present situations appropriate for age
  – Does the child choose warm clothing during cold weather?
  – If told that the stove is hot will the child not touch the stove?
  – If taught to put away personal belongings at school, does the child follow the same rule at home?
Suggested Considerations and Interview Questions (ages 13 and up):

Learning

• What is the individual’s reading level?
• Can he/she tell you about it?
• Does he/she read own mail and understand it?
• Can he/she read news articles and understand them?
• Can he/she read and understand information on a form?
• What is the individual’s math level?
• Can he/she balance a checking account?
• Can he/she count money?
• Can he/she calculate change?
  – e.g., If bought milk at the store and it cost $2.25, how much change would you get if you paid with a five dollar bill?
• Can the individual tell time? On an analog clock?
• Can he/she tell time to the quarter after the hour?
• Does he/she have concept of time
  – Understands concept of time/days/weeks?
• What was the last movie the individual watched?
  – Can he/she describe what it was about?
• What did the individual do last weekend?
• Does the individual receive specialized instruction for “simple” tasks?
Mobility
Definition for all ages

• The individual has significant limitations with independent ambulation
  – Needing crutches, walker, or wheelchair for mobility
  – Gait abnormalities and/or coordination problems significantly interfere with mobility
    • Unable to walk long distances due to fatigue from the significant effort involved in ambulating
    • Difficulty negotiating stairs or uneven ground
Suggested Interview Considerations and Questions for Mobility

• Does the child/individual rely on assistive devices to walk
  – AFOs, braces, walker
• Does the child/individual use a wheelchair?
  – Manual or electric?
  – Can the child/individual independently maneuver the wheelchair?
• How long and how far can the child/individual walk with/without assistive devices?
• What is his/her ability to navigate uneven ground or stairs?
Self-Direction
All Ages

• The individual has significant impairment in the ability to make and apply personal and social judgments and decisions
  – Emotional development
    • Routinely has significant difficulty coping with fears, anxieties or frustrations
    • Severe maladaptive behaviors such as self-injurious behavior
  – Interpersonal relations
    • Significant difficulties establishing and maintaining relationships with family or peers
    • Social immaturity
    • Marked difficulty protecting self from exploitation
  – Personal judgment, decision making, choices
    • Significant difficulty following medically prescribed diet
    • Significant difficulty taking medications as directed
Suggested Interview Considerations and Questions for Preschoolers (ages 3-5)

Self-Direction

- Is the child reasonably flexible for example to transitions, to different situations, individuals and contexts?
- Can he/she adapt to change without great distress?
- Can the child self-initiate tasks, such as accessing a snack or choosing play activities, on own with minimal prompts?
- Does the child express interests in forming friendships with peers?
- Does the child engage in age-appropriate interactive play with peers?
- If left alone in room with peers, what is the child most likely to do?
Suggested Considerations and Interview Questions (6-12 years):
Self-Direction

- Is the child reasonably flexible, meaning in his/her ability to adapt to different situations?
- Can he/she adapt to change without great distress?
- Can the child problem-solve or troubleshoot difficult situations?
- Can form friendships independently?
- How does the child react to being teased?
Suggested Considerations and Interview Questions (ages 13 and up):
Self-Direction

- Does the individual take the appropriate amount of medication without reminders?
- Does the individual need supervision (for example 1 to 1 aide in school or at least lower student to teacher ratio or adult direction to carry through with independent tasks and to remain safe)?
- Can the individual schedule appointments independently?
- Can the individual organize, plan and contact people to initiate a social outing?
- Does the individual have self-injurious behaviors?
- Can the individual maintain a daily schedule?
- Can the individual cope with fears, anxieties or frustrations?
- Can the individual form friendships independently?
- Can the individual use good social judgment to prevent exploitation?
Capacity for Independent Living

• The individual is unable to perform age-appropriate independent living skills without the assistance of another person.
  – Significant difficulty performing age-appropriate, simple household tasks
  – Significant difficulty managing multiple-step domestic activities
    • Grocery shopping, meal planning and preparation, laundry, care and selection of clothing, home repair and maintenance
  – Lack age-appropriate capacity to be left unsupervised
    • Lack of safety awareness
  – Significant difficulty with money management and budgeting
    • Using bank accounts, making small purchases independently
    • SSI own payee
  – Significant difficulty taking the basic steps necessary to obtain appropriate health care
    • Obtaining medication refills, obtaining medical attention when necessary
Case Examples

• Choice to do vs ability to learn to do
• Rote learning
• Judgment
Suggested Considerations and Interview Questions Elementary School (ages 6-12): Capacity for Independent Living

- What chores is the child expected to perform at home?
  - Pick up and put away toys?
  - Take own dish to sink?
  - Set table?
  - Take out trash?
  - Vacuum/dust?
  - Make a bed?
- Can the child prepare simple meals (e.g., bowl of cereal, simple sandwich)?
- Can the child make a small purchase independently?
- Can the child ever be left unsupervised as appropriate to age?
- Does the child show caution with dangerous items?
  - Touch a hot stove?
  - Run/wander off (at home or in public)?
- Does the child call for help if someone is hurt?
  - Know to call 911?
  - Obey traffic signs and signals?
  - Have safety awareness with strangers?
Suggested Considerations and Interview Questions (ages 13 and up):
Capacity for Independent Living

- Can the individual clean specific living areas independently?
- Can he/she use household products correctly?
- What is the quality of cleaning?
- Can the individual complete laundry tasks?
  - Sort clothes
  - Determine appropriate water level and use necessary amount of soap?
- Can the individual use the microwave?
- Cook on a stove?
- What meals or food items can the individual prepare or make?
- Can the individual follow a recipe?
  - Measure adequately?
  - Can he/she grocery shop?
  - Know what items to purchase?
- Can the individual manage money and budget
Additional Suggested Considerations and Interview Questions (ages 13 and up): Capacity for Independent Living

- Can the individual pay bills independently?
  - How does he/she pay bills?
  - Can the individual open or does he/she have a bank account or ATM card?
  - Can he/she make specific purchases such as clothing?
  - Can he/she comparison shop?
- Can the individual take a bus independently?
  - Does the individual generally take a simple route or more complex route?
  - Does he/she know how to transfer?
  - Know how to access a disability bus pass?
  - If lost, what would the individual do?
  - Does the individual obey traffic signs and signals?
- Does the individual have a driver’s license?
  - Did he/she pass the written and oral test?
  - How often did he/she take test before passing?
  - Does the individual drive?
  - Any accidents or traffic violations?
  - Can problem-solve for solutions
    - What would he/she do if car breaks down?
Additional Suggested Considerations and Interview Questions (ages 13 and up):
Capacity for Independent Living

• Can the individual determine medication needs?
• Can the individual be left home alone and for how long?
• Does the individual have house keys?
• Can the individual schedule personal appointments independently?
• Does the individual save contact information?
Economic Self-Sufficiency

• The individual lacks the capacity to participate in vocational training or to obtain and maintain employment without significant support
Suggested Considerations and Interview Questions: Economic Self-Sufficiency

• Has the individual received vocational training?
  – Outcome?

• Is the individual currently employed?
  – Job responsibilities?
  – What jobs has the individual had?
  – Length of employment at each job?
  – Reasons for leaving?