

(1) The term "students with the most significant cognitive disabilities" means a child with a disability or disabilities as defined under section 602(3) of the IDEA that significantly impact intellectual functioning and adaptive behavior and who require extensive, direct individualized instruction and substantial supports, provided that--

(i) The identification of a student as having a particular disability as defined in IDEA shall not determine whether or not a student is a student with the most significant cognitive disabilities; and

(ii) Students with the most significant cognitive disabilities must not be identified based solely on the student's previous low academic achievement or the student's previous need for accommodations to participate in general State or districtwide assessments.

(2) The term "adaptive behavior" means behavior essential for someone to live independently and to function safely across three domains of daily life skills: conceptual (e.g., language, functional academics, self-direction, money management, and time concepts); social (e.g., interpersonal skills, responsibility, self-esteem, wariness/naïveté, follow rules, etiquette, and social problem solving); and practical (e.g., activities of daily living, occupational skills, safety, healthcare, and travel).