

**MEMORANDUM**

To: School Superintendents and Principals

From: Pamela Wright, Director of Special Education

Date: August 14, 2017

Re: Senate Enrolled Act 475 – Developmental Delay (IC 20-43-7-3)

**Background:**

The Indiana General Assembly recently passed legislation that permits schools to include children with developmental delay in its non-duplicated count of pupils in programs for mild and moderate disabilities, effective July 1, 2018. The State Board of Education is directed to amend the definition of developmental delay, effective July 1, 2018, to provide that developmental delay is a disability category solely for students who are at least 3 years of age and less than 9 years of age. Article 7, the Indiana Special Education Rule, is in the process of being amended to reflect this recently passed legislation.

**Guidance:**

Throughout the 2017-2018 school year, there are no changes as to counting and reporting students with a developmental delay (DD). Beginning with the 2018-2019 school year, effective July 1, 2018, eligibility under the DD category may apply to students who are at least 3 years of age and less than 9 years of age. The following scenarios help to illustrate:

1. **The student who is currently identified with DD who will be kindergarten eligible for the 2018/2019 school year:**
  - A. The Case Conference Committee and other qualified professionals as appropriate determine if additional assessments are needed.
  - B. If the team determines that the student continues to be eligible for DD and no new assessments are needed (as indicated in the IEP), then no reevaluation is required and the student may continue eligibility after July 1, 2018.
  - C. If the team suspects the student is no longer eligible for DD, and does not suspect another disability category, the team determines what, if any, additional assessments are needed and initiates the reevaluation process.
  - D. If the team suspects a different or additional eligibility area or wants additional information, then the team determines what additional assessments are needed and initiates the reevaluation process.

2. **An initial referral for DD for a student not yet kindergarten eligible but who will be eligible for kindergarten at the start of the 2018/2019 school year.**  
A CCC can determine DD eligibility using already established procedures prior to July 1, 2018. If determined DD eligible, the student may remain eligible after that date.
3. **An initial referral for DD for a school-age student over age five and less than age nine.**  
A CCC can initiate an evaluation for DD prior to July 1, 2018 but eligibility for DD cannot be determined until after July 1, 2018. Additional guidelines for school age students will be forthcoming.  
Note: Evaluation timelines still apply.
4. **A move-in student during the 2017/2018 school year from a state with a higher DD age.**  
If a school-age student moves into a district with DD eligibility prior to July 1, 2018, a reevaluation must be initiated to determine the presence of another area of disability.

If you have any questions, please contact Kristy Wright at (317) 232-9142 or [kwright@doe.in.gov](mailto:kwright@doe.in.gov).