

Developmental Delay Guidance

Students 3-9 years of age

The Indiana General Assembly passed legislation that permits schools to include children with Developmental Delay (DD) 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.

Extending the age of Developmental Delay allows more time, if needed, to provide specialized instruction or to determine if another eligibility area might be more accurate to describe the student's disability.

DD is a delay of either two (2) standard deviations below the mean in one (1) of the following developmental areas or one and one-half (1.5) standard deviations below the mean in any two (2) of the following developmental areas:

- (1) Gross or fine motor development
- (2) Cognitive development
- (3) Receptive or expressive language development
- (4) Social or emotional development
- (5) Self-help or other adaptive development

When determining eligibility for special education (for DD or any eligibility category), the case conference committee (CCC) must determine whether the student's difficulties are primarily the result of lack instruction in reading or math and/or limited English proficiency. This should be considered in relation to the student's age and expected instructional experiences. For example, a preschool-age student or student just beginning kindergarten may not be expected to have prior experiences. Consider providing supplemental and/or targeted interventions to struggling school-age students to help rule out effects of lack of instruction.

The CCC may determine eligibility in the area of DD only after careful consideration of all required information. Other eligibility categories should be identified if they more appropriately describe the student's disability.

Assessment for a Developmental Delay

Students must be assessed in each of the five developmental areas: gross or fine motor development, cognitive development, receptive or expressive language development, social or emotional development, and self-help or other adaptive development. You must use either an individually administered norm-referenced assessment, or if adequate information cannot be obtained via an individually administered norm-referenced assessment, a criterion-referenced assessment that has been designed or may be adapted or modified for use with students who have a developmental delay or delays; and is administered by a professional or team of professionals with knowledge of assessment strategies appropriate for the student.

It is important for the multi-disciplinary team to determine the appropriate assessments that are needed for these areas. Consider whether an assessment that includes brief indicators of each of the five areas is sufficient, or whether a full instrument is needed in one or more areas (such as a full cognitive assessment, adaptive behavior rating, etc.) For school-age students, the multi-disciplinary team should consider more comprehensive instruments in areas of concern in order to more thoroughly consider other disability areas.

The multi-disciplinary team must include at least two professionals from different disciplines, based on the needs of the student. Although a School Psychologist is not a required member of the multi-disciplinary team who is evaluating a student for a developmental delay, schools are strongly encouraged to include a School Psychologist as a multi-disciplinary team member for all school-age students.

It is strongly recommended that any school-age student who is evaluated for DD be assessed in the area of academic achievement. While this is not a developmental area and is not part of the consideration for eligibility for DD, it is needed to inform the CCC of the student's special education and related services need.

- You must obtain a social and developmental history that may include, but is not limited to communication skills, social interaction skills, play skills, motor skills, responses to sensory experiences, relevant family and environmental information, patterns of emotional adjustment, and unusual or atypical behaviors.
- You must also include any available medical information that is developmentally relevant.
- All students who are evaluated for a DD must have a vision and hearing screening.
- You must complete a systematic observation of the student across various environments.
- Determine if there are other assessments and information that are necessary to determine eligibility for special education and related services and inform the CCC of the student's special education and related services needs.

Additional Guidance

Developmental Delay vs. Developmental Disability

Sometimes reports from outside agencies or providers may reference a student having a “Developmental Disability”. A Developmental Disability is a chronic problem resulting from a physical and/or mental impairment that is a lifelong disability. This is different from the special education eligibility category of Developmental Delay. As with any eligibility category, the multi-disciplinary team should utilize available outside information, but must assess the student based on Article 7 requirements and criteria.

Specific Guidance for Students who are Eight

Although DD is a disability category solely for students who are at least 3 years of age and less than 9 years of age, the multi-disciplinary team is strongly cautioned about considering DD as an initial eligibility category for a student who has already turned 8 years of age. The CCC should consider:

- Is there data that suggests another eligibility category?
- Is there adequate time to make gains prior to the initiation of the reevaluation process?

Teacher of Record

Refer to the current licensing criteria for who can be the teacher of record for a student who is eligible for DD.

www.doe.in.gov/sites/default/files/licensing/exceptional-needs.pdf

Determining the Primary Disability

The CCC may determine eligibility in the area of DD after careful consideration of all required information. Other disability categories should be used if they are more appropriate.

The following are possible examples:

- For a student who demonstrates a delay of two or more standard deviations below the mean in cognitive development, the team should consider the student’s adaptive behavior and whether a cognitive disability might be a more appropriate choice.
- For a student who demonstrates a delay of two or more standard deviations below the mean in gross or fine motor development, the team should consider if criteria for an Orthopedic Impairment are met.
- For a student who demonstrates a delay in the area of receptive or expressive language development, the team might consider eligibility as a student with a language or speech impairment.

The CCC should review the eligibility criteria for any suspected disability and determine the appropriate eligibility category(ies). Regardless of the student’s eligibility category, he/she should receive services appropriate for his/her needs.

Reevaluation Process

Each year as part of the IEP process, the CCC considers whether there is a need for reevaluation information. Any student eligible for DD must be reevaluated, and a case conference held, prior to the student's ninth birthday. To complete the reevaluation process, refer to the following guidance:

Q: How does the LEA reevaluate a student with a DD if the LEA does not suspect any other area of disability?

A: The LEA should use the process for reevaluation set forth in 511 IAC 7-40-8(1). In considering the need for reevaluation, the CCC and other qualified professionals, as appropriate, must: review existing evaluation data on the student, including evaluations and information provided by the parent; current classroom based, local, or state assessments and classroom based observations; and observations of teachers and related service providers. On the basis of that review, and input from the student's parent, identify what additional data, if any, are needed to determine: whether the student continues to have a disability under 511 IAC 7-41 and the special education and related service needs of the students; present levels of academic and functional performance and related developmental needs of the student; whether the student continues to need special education and related services; and whether any additions or modifications to the special education and related services are needed.

Q. What if the CCC determines that no additional data are needed to determine the student is no longer eligible for special education and related services?

A: The LEA must provide the parent with written notice of the CCC determination and the opportunity to request further assistance. If the CCC and other qualified professionals, as appropriate, after reviewing existing evaluation data as described in 511 IAC 7-40-8(l), determine that no additional data are needed to determine whether the student continues to be eligible for special education and to determine the student's special education and related service needs, the public agency must notify the parent of: the determination and the reasons for the determination; and the parent's right to request an assessment to determine whether the student continues to be eligible for special education and the student's special education and related service needs. The public agency is not required to conduct such an assessment unless requested by the student's parent. 511 IAC 7-40-8(n).

Q. What if, after reviewing existing evaluation data on the student the CCC thinks the student may be eligible in another area?

A: Then the LEA will need to administer such assessment and other evaluation measures as are needed, after providing written notice to the parent and obtaining written consent of the parent.

Q. What if the student had been identified with both a DD and a speech or language impairment? Must the LEA still evaluate, or can it just drop the DD label as the students can continue eligibility under S/L?

A. The LEA cannot unilaterally drop an eligibility area without benefit of the CCC. The LEA should convene the CCC and go through the reevaluation process.