

# DEVELOPMENTAL DELAY NON-REGULATORY GUIDANCE

Indiana General Assembly recently passed legislation that permits schools to include children with developmental delay in its nonduplicated 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.

Developmental delay means 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.

The IEP team may determine eligibility in the area of Developmental Delay after careful consideration of all required information. Other disability categories shall be used if they are more descriptive of a young child's strengths and needs.

Additional guidance regarding DD evaluation and eligibility determination of school-age students will be forthcoming.

## **SCENARIOS**

- 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 will 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.

**TIMELINE AND REPORTING INFORMATION**

**July 1, 2017**

**One Year until Change**

For students in their last year of eligibility for DD under current law, reevaluation need not take place unless warranted for a different disability.

IEPs may only be written with a disability of DD for students ages 3, 4, and who turn 5 between August 2<sup>nd</sup> and December 1<sup>st</sup> (5A).

**December 1, 2017**

**December 1 Count**

Students may be reported for DD only in ages 3-5A.

**April 2, 2018**

**April 2 Count**

Students may be reported for DD only in ages 3-5A.

**July 1, 2018**

**SEA 475 Takes Effect**

IEPs may be written with a disability of DD for all students ages 3-8.

**December 3, 2018**

**December 1 Count**

First APC count where DD will be included as a disability for students through age 8.