

## **Ages 3-5 Eligibility, Developmental Delay and Progress Monitoring Q&A**

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## Ages 3-5 General Eligibility Questions

### **Q1: What evaluation(s) are required when determining eligibility for children ages 3 through 5 for special education services?**

**Evaluation procedures** should be applied to children ages 3-5 according to [ARSD 24:05:25:04](#).

- a. Two standardized evaluation tools must be given. The first standardized test must be in the area of concern. The second standardized test should be in one of the other areas of concern during the referral process and review of existing data. In addition, skill-based assessment(s) must be conducted in each area of suspected disability.
- b. When determining evaluations needed for 3–5-year-old students, the team must consider all categories of suspected disability (cognitive, autism, etc.).
- c. If other categories of disability are considered for evaluation during the review of existing data, the specific evaluation areas required for those disability categories must be listed on the PPWN: Consent.

For example, if the team is considering the categories of Speech/Language (550) and developmental delay (570) the areas of evaluation listed on the PPWN: Consent would be as follows:

- Developmental (cognitive, adaptive, motor, communication, personal/social)
- Language

If the team is considering the categories of Emotional Disability (505) and Cognitive (510), the areas of evaluation listed on the PPWN: Consent would be as follows:

- Ability
- Achievement
- Observations
- Behavior
- Documentation of student's condition
- Adaptive Behavior

Additional guidance regarding the areas of evaluation to consider based on the areas of suspected disability can be found at the DOE website under Eligibility Tools and Resources.

<https://doe.sd.gov/sped/IEP.aspx>

### **Q2: If Battelle Developmental Inventory 3 (BDI-3) evaluation results do not support DD eligibility, can the IEP team use the scores from the second standardized test for determining eligibility under the DD category?**

The IEP team must consider the primary disabling condition when making its decision. The IEP team may use the other scores to support eligibility under DD; however, this would be an exception rather than the rule. Skill-based assessments must support eligibility.

**Note:** When determining a student's disability, all areas of concern should be addressed, and all 14 disability categories should be considered. For example, if a student only qualifies in communication, the team will consider if Speech Language is a better fit for the student's disability category.

## Evaluation Questions

**Q3: When considering a change in a student's disability category from DD to another category, prior to turning six, is this an initial evaluation or a reevaluation?**

**Answer:** When a student is due for a three-year reevaluation prior to turning six or nine, and the student was receiving services under any disability category (including DD), the evaluation to determine continued eligibility would be considered a reevaluation.

**Note:** When considering Specific Learning Disability (SLD) for the first time, the SLD eligibility determination document must be completed in its entirety.

**Q4: When completing a reevaluation for a student who was previously eligible under DD, what evaluations will need to be administered to determine eligibility under DD?**

When a student is due for a reevaluation to determine continued eligibility for special education and related services, the IEP team needs to use existing data to determine which disability categories to evaluate for, considering all 14 disability categories. Appropriate evaluations for the suspected areas of disability will then be administered. Developmental Delay evaluations must include all five areas of development (cognitive, physical, communication, social and emotional, or adaptive behavior). If the student is age seven years eleven months or younger, the evaluation team may use the BDI-3 because all subdomains of the BDI-3 are valid to age 7:11.

**Note:** Evaluation procedures according to [ARSD 24:05:25:04](#) should be followed.

**Caution:** The IEP team needs to consider the timeline for reevaluation prior to age nine when DD can no longer be the disability category to prevent the student from receiving two comprehensive evaluations within a year's time.

**Q5: Is the BDI-3 required to determine eligibility for Developmental Delay?**

A district may qualify a student by using a variety of evaluation instruments. If the district chooses not to use the BDI-3 for eligibility, the district may have to use multiple evaluations in order to capture all 5 areas of development (cognitive, physical, communication, social and emotional, or adaptive behavior) required for DD. If the student is found eligible for Part B 619 (3-5) services, and the student will receive at least 6 months of services prior to their sixth birthday, the BDI-3 must be given to the student for Indicator 7 progress monitoring purposes to meet the states reporting requirements.

**Q6: Is the BDI-3 required if a student is not being evaluated for Developmental Delay?**

The BDI-3 is only required for eligibility if it is the evaluation instrument that will be used for the student's suspected disability. If the student is found eligible for Part B 619 (3-5) services, and the student will receive at least 6 months of services prior to their sixth birthday, the BDI-3 must be given to the student for Indicator 7 progress monitoring purposes to meet the states reporting requirements.

**Q7: Cognitive (OQ) evaluation means different things in the BDI-3 and other evaluations (IQ). When evaluating the area of cognitive development for DD, which one is required? Can the BDI-3 be used as an achievement assessment?**

The BDI-3 evaluation tool for cognitive is more academic than intellectual. Due to student's age, the focus is on a delay versus an intellectual impairment. The IEP team should use existing data to determine if the student needs to be assessed due to developmental delays in skills or intellectual abilities. If the concern is intellectual, it would be expected to see an ability evaluation. The BDI-3 is not a comprehensive evaluation for ability.

The BDI-3 is **not** a standardized academic achievement test. Other evaluations appropriate for children ages three through five for achievement have been published and may include the Woodcock Johnson IV, the Test of Early Reading Ability: Forth Edition, the Test of Early Math Ability: Third Edition, the Test of Early Written Language Third Edition, et. It is the district's responsibility to be sure all evaluations are age appropriate.

**Q8: Are there circumstances when the BDI-3 (cognitive domain score) could be used as the ability score for determining eligibility for a disability category other than developmental delay?**

When a student has a severe disability or serious medical concern, the cognitive domain on the BDI-3 may be an option to use. This would be an extreme exception and not the rule. Teams should consider nonverbal ability evaluations or other evaluation tools first.

## Least Restrictive Environment Questions

**Q9: Will the LRE for students with the disability category of DD remain in the 300 codes, or will it need to change to 100 codes for five-year-old students in in Kindergarten or Jr. Kindergarten?**

Regardless of disability category, when a student is enrolled in Kindergarten or Jr. Kindergarten, the student's LRE will be determined using the 100 codes

**Note:** See [Decision Tree for Coding Preschool LRE](#)

## Developmental Delay Eligibility Questions

### Q10: At what age can a student be found eligible for DD?

A student who is at least three years of age, but is less than nine years of age, may be identified as a student with the disability of DD.

### Q11: If a student is evaluated at age six or seven, would the IEP team want to use a category that is not DD eligibility since the student will need to be determined eligible under a different category before turning nine?

The IEP team must consider the primary disabling condition when making its decisions. The IEP team needs to use existing data for the student to determine which disability category the student could potentially be eligible under (considering all 14 disability categories). If the student is not found eligible under other suspected disability categories and the student can be determined eligible under the disability category of DD, then the IEP team can determine DD as the disability.

In August of 2022, DD age range was extended through age eight. By the age of nine, students eligible for special education services under the disability category of DD must be re-evaluated to determine eligibility under a different category as outlined in the administrative rules. It is the responsibility of the team to determine if they have current, appropriate evaluation information, to make this determination.

**Caution:** The IEP team needs to consider the timeline for reevaluation prior to age nine when DD can no longer be the disability category to prevent the student from receiving two comprehensive evaluations within a year's time.

**Note:** If the student has received at least 6 months of services prior to turning age six, the BDI-3 will need to be given for Indicator 7 (Child Outcomes) progress monitoring requirements.

### Q12: Please explain the two different standard deviation measures given in ARSD §24:05:24:01.09 Developmental Delay defined.

A student may meet the criteria for DD in two ways:

- 1) Functioning at a developmental level of 2 or more standard deviations below the mean in any one area of development (cognitive, physical, communication, social and emotional, or adaptive behavior).
- 2) Functioning at a developmental level of 1.5 standard deviations in any two areas of development (cognitive, physical, communication, social and emotional, or adaptive behavior).

**Note:** Fine motor, gross motor, and communication delays can qualify a student for Developmental Delay. If a student qualifies for DD with only fine motor, gross motor, and/or communication delays, the IEP will reflect educational impact for the delays, include a special education teacher in the services to be provided, and, if needed, include Occupational Therapy, Physical Therapy, and/or Speech Therapy as a related service for the student or consult for the special education teacher.

**Note:** When determining a student's disability, all areas of concern should be addressed, and all 14 disability categories should be considered.

**Note:** Refer to [ARSD §24:05:27:22](#), [ARSD §24:05:27:23](#), [ARSD §24:05:27:24](#), [ARSD §24:05:27:25](#), for more information regarding Occupational Therapy and Physical Therapy services.

## Battelle Developmental Inventory 3 (BDI-3) Specific Questions

### **Q13: Are there evaluator qualifications for teachers and/or providers giving the BDI-3 evaluation?**

Districts should refer to the evaluator requirements outlined in the BDI-3 examiners manual to determine who is qualified to administer the BDI-3 and refer to [ARSD 24:05:25:04](#).

### **Q14: Can the sub-domain scores from the BDI-3 be used to determine eligibility?**

Yes, some sub-domain scores may be used when determining eligibility under the category of developmental delay. The team may use the sub-domain scores of fine motor, gross motor, expressive communication, and receptive communication if the reliability is .80 or higher (refer to the BDI-3 reliability table in the BDI-3 manual). The total domain scores must be used in adaptive, social or emotional, and cognitive. The total domain scores for communication and motor may also be used for eligibility.

### **Q15: Can the IEP team pull forward the Battelle Developmental Inventory (BDI-3) scores and determine the student eligible for DD, including if the child is currently 8 years of age?**

The team needs to use existing data and determine which disability category would best meet the needs to the student. If DD is a suspected disability category, the evaluation team will need to determine which evaluations will best measure the student's ability. If the BDI-3 is one of the evaluation instruments chosen, the BDI-3 will need to be given prior to the student turning seven years eleven months, or the evaluation will not be valid/reliable. The IEP team will need to determine which, if any, evaluations can be pulled forward to determine eligibility.

### **Q16: When a student is being reevaluated for DD, can the team use the BDI-3 progress monitoring for Indicator 7 (Preschool Outcomes) as part of the evaluation/disability determination, or does the team need to use a different evaluation instrument to obtain qualifying eligibility scores?**

The BDI-3 must be administered for progress monitoring purposes for any student who received at least six months of services between the age of three and five years before exiting the Part B 619 program or prior to turning six years of age. It may also be used as the evaluation for eligibility determination or as a skill-based assessment in conjunction with other formal instruments for eligibility determination. However, keep in mind that if the concern is a cognitive disability versus delay in skills, the team should administer an ability test. When the BDI-3 is used for eligibility, the team will need to complete skill-based assessment using other evaluations, such as checklists, observations, and classroom work, etc.

## Indicator 7 Progress Monitoring (Preschool Outcomes) Questions

### **Q17: What is Indicator 7 progress monitoring (Preschool Outcomes)?**

Indicator 7 progress monitoring (Preschool Outcomes) is the state's measure of Part B 619 (3-5) special education services effectiveness. The outcomes evaluated with the BDI-3 are positive social-emotional skills, acquiring and using knowledge and skills, and using appropriate behaviors to meet needs. The data received through progress monitoring provides the state with required information for federal reporting, along with valuable information on how to improve educational practices.

### **Q18: How long prior to a student's sixth birthday can I assess a student for progress monitoring?**

Student exit data must be collected no more than 90 calendar days prior to the student's 6th birthday or upon exiting Part B services. If the student's 6th birthday occurs during July or August, the BDI may be completed within 30 calendar days prior to the end of the LEA's current school year. To capture the most progress, LEAs should consider assessing students as close to exit as possible.

### **Q19: If DD is not a suspected disability category, where on the PPWN/Consent for Evaluation, should we mark the BDI-3 is being given for state reporting Indicator 7 purposes only?**

If you are using the BDI-3 for progress monitoring only, do not check "developmental" on the front page of the PPWN/Consent for Evaluation. Document it under letter "D" and state "BDI-3 will be given for progress monitoring only." The BDI-3 results will **not** be included on the eligibility report document and will **not** be used to determine eligibility for Part B services if only given for progress monitoring.

**Note:** If "developmental" is marked, the team must evaluate in all five developmental areas and complete skill-based assessments in all areas.