

Developmental Delay – Question and Answer to guide IEP teams through the transition/change of Developmental Delay (DD) ages 3-5 to ages 3 but less than 9.

The ARSD for Developmental Delay (DD) defined can be found at the end of this document.

Age for DD

1. At what ages can a student be found eligible for DD?

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

Timelines

2. If a student is evaluated at age 6 or 7, would the IEP team want to use another category for eligibility since the student would need to be determined eligible under a different disability category before turning 9?

A: Using the existing data, the IEP team needs to determine which disability category the student could potentially be eligible under (considering all 14 disability categories), such as a Specific Learning Disability (SLD), Emotional Disability (ED), Other Health Impaired (OHI), Cognitive Disability, Developmental Delay (DD), Autism, etc. 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.

Caution: The IEP team needs to consider the timeline for re-evaluation prior to age 9 when DD can no longer be the disability category to prevent the student from receiving two comprehensive evaluations within a year's time.

3. When the student turns 6 and the 3-year re-evaluation is due later, can the student remain under the disability category of DD?

A: Yes, if the student was diagnosed with the disability category of DD prior to turning 6, the student can remain under the disability category of DD through age 8 (considering the 3-year re-evaluation timeline).

The IEP process would continue to be followed, i.e., annual IEP meetings, progress monitoring of goals, etc.

The IEP team needs to consider/determine eligibility in a category other than DD prior to the student turning 9.

See **Caution** under question #2.

Evaluations/Assessments

4. Will the Battelle Developmental Inventory (BDI) need to be administered before a student turns 6 for students receiving early childhood special education services?

A: Yes, for Progress Monitoring. If a student is receiving early childhood special education and/or related services between the ages of 3 through 5, the student will need to have the BDI administered prior to exiting the Part B 619 program or turning 6 for **Progress Monitoring** (Indicator 7).

Note: The Program Label will be Part B Exit when the BDI is given for Progress Monitoring prior to the student exiting the Part B 619 Program or prior to turning six. This has not changed. If this BDI is being used to determine eligibility for Part B 611 (DD after age 6), the Program Label will be Part B Exit.

If the BDI is administered after age 6 but prior to 7 years 11 months (re-evaluation or initial evaluation) to determine eligibility for Developmental Delay, the Program Label will be a 1. This signals the BDI was given for a reason other than Progress Monitoring.

5. When considering a change in a student's disability category from DD to another category, prior to turning 6, is this an initial evaluation or a re-evaluation?

A: When the student is due for a 3-year re-evaluation prior to turning 6 or 9 and the student was receiving services under the disability category of DD, the evaluation to determine continued eligibility would be considered a Re-evaluation.

Note: When considering SLD for the first time, the SLD eligibility determination document must be completed in its entirety.

6. When completing a re-evaluation for a student who has previously been found eligible under DD, what evaluations need to be administered to determine eligibility under DD?

A: When a student is due for a re-evaluation to determine continued eligibility for special education and related services, the IEP team needs to use existing data to determine the disability category that will best meet the needs of the student and conduct the appropriate evaluations. Other evaluation instruments can be used to determine eligibility for DD. If DD is the suspected disability category for a student aged 7 years 11 months or younger, the evaluation team may use the BDI-3 (not the BDI-2) because all subdomains of the BDI-3 are valid to age 7:11.

Note: Two standardized evaluations must be given when determining eligibility.

See **Caution** under question #2.

7. If the student is due for the 3-year evaluation at age 8, can we pull forward the BDI-3 scores and determine the student eligible for DD, then re-evaluate before the student turns 9 to determine eligibility in another disability category?

A. The team needs to use existing data and determine which disability category would best meet the needs of 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 is one of the evaluation instruments chosen, the BDI will need to be given prior to the student turning 7.11 or it will **not** be valid/reliable. The IEP team will need to determine which evaluations can be pulled forward to determine eligibility.

8. Cognitive assessment means different things in the BDI and in other assessments (IQ). When evaluating the area of cognitive development for DD, which one is required?

A. The BDI 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 BDI2 and 3 is not a comprehensive evaluation for ability.

9. When a student is being reevaluated for DD, can the team use the BDI progress monitoring as part of the evaluation/disability determination, or does the team need to use a different evaluation instrument to obtain qualifying eligibility scores? Can the BDI meet both Prong 1 and 2?

A. The BDI must be administered for progress monitoring when exiting the Part B 619 program or prior to turning 6 years of age. It may also be used as the evaluation for eligibility determination or as skills-based assessment in conjunction with other formal instruments for eligibility determination. However, keep in mind that if the concern is a cognitive disability vs delay in skill, the team should administer an ability test. (See question #4).

Placement

1. Will the least restrictive environment (LRE) for DD students remain in the 0300 code or will it need to change to 0100 for 5-year-old students in Kindergarten or Jr. Kindergarten?

A: Regardless of the disability category when a student turns five and is enrolled in Kindergarten or Jr. Kindergarten the student's LRE will be determined using the 0100 codes.

24:05:24.01:09. Developmental delay defined. A student who is at least three years of age but less than nine years of age may be identified as a student with a disability if the student has one of the major disabilities listed in § 24:05:24.01:01, or if the student has a severe delay in development, as specified in this section, and needs special education and related services.

A student with a severe delay in development functions at a developmental level two or more standard deviations below the mean in any one area of development listed in subdivisions 1 through 5, inclusive, or 1.5 standard deviations below the mean in two or more areas of development listed in subdivisions 1 through 5, inclusive.

The areas of development are:

- (1) Cognitive development;
- (2) Physical development;

- (3) Communication development;
- (4) Social or emotional development; and
- (5) Adaptive development.

A district is not required to adopt and use the term developmental delay for any students within its jurisdiction. If a district uses the term developmental delay, the district must conform to both the department's definition of the term and to the age range that has been adopted by the department.

A district shall ensure that all of the student's special education and related services needs that have been identified through the evaluation procedures described under chapter [24:05:25](#) are appropriately addressed.

Source: 23 SDR 31, effective September 8, 1996; 26 SDR 150, effective May 22, 2000; 33 SDR 236, effective July 5, 2007; 36 SDR 96, effective December 8, 2009; 40 SDR 40, effective September 11, 2013; 49 SDR 12, effective August 14, 2022.

General Authority: SDCL [13-37-1.1](#), [13-37-52](#).

Law Implemented: SDCL [13-37-1.1](#), [13-37-52](#).