Eligibility Determination: Developmental Delay

|  |  |
| --- | --- |
| Child’s Name: | DOB: |
| Gender: | Age: |
| School: | Grade: |
| Parent/Guardian: | Address: |
| Parent/Guardian: | Address: |
| Home Phone: | Work Phone: |
| Home Language: | Language Proficiency: |
| Primary Language: | Referral Date: |
| Test Dates: | Report Date: |

Developmental delay means a child who is experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development; and who, by reason thereof, needs special education and related services. The eligibility category may be applicable for children aged three through nine (or any subset of that age range). (34 CFR Sec. 300.8(b))

In New Mexico, developmental delay (DD) is called developmentally delayed and means a child aged 3 through 9 (or who will turn 3 at any time during the school year) with documented delays in development which are at least two standard deviations below the mean on a standardized test instrument or 30 percent below chronological age; and who, in the professional judgment of the IEP team and one or more qualified evaluators, needs special education and related services in at least one of the following areas: communication development, cognitive development, physical development, social or emotional development, or adaptive development. A child with a disability who only needs a related service, as defined under 34 CFR Sec. 300.34, and not special education as defined under 34 CFR Sec. 300.39(a)(2)(i), is not eligible under IDEA, and is not eligible to receive related services.

Subsection F (2) of 6.31.2.10 NMAC establishes that the use of the DD classification for children aged three through nine may be used at the option of individual LEAs but may only be used for children who do not qualify for special education under any other available disability category. If an LEA chooses to use the eligibility category of DD, they must make that eligibility category available for children aged three through nine and cannot limit the eligibility to a different age range.

Children who are found eligible under the category of DD must be reevaluated during the school year in which they turn nine and will no longer be eligible in this category when they become 10. A child who does not qualify under any other eligibility category at age 10 will no longer be eligible for special education and related services.

**The PED highly recommends that the Eligibility Determination Team use the following information in making an eligibility determination under the category of developmental delay.**

**Document assessment and evaluation data.** The EDT must review and/or complete the following evaluations and/or assessments according to the recommendations established in the New Mexico Technical Evaluation and Assessment Manual (2017):

[ ]  screening data/previously conducted evaluation data (preschool-aged children); SAT file documentation (school-aged children)

Date: \_\_\_\_\_\_\_\_\_\_

[ ]  child’s history, including an interview with the parent(s)/guardian(s)

 Date: \_\_\_\_\_\_\_\_\_\_

[ ]  individual assessments in areas of suspected disability, including one or more of the following:

[ ]  motor skills assessment

 Date: \_\_\_\_\_\_\_\_\_\_

[ ]  cognitive abilities assessment

 Date: \_\_\_\_\_\_\_\_\_\_

[ ]  speech/language/communication assessment

 Date: \_\_\_\_\_\_\_\_\_\_

[ ]  social/emotional assessment

 Date: \_\_\_\_\_\_\_\_\_\_

[ ]  assessment of adaptive behavior

 Date: \_\_\_\_\_\_\_\_\_\_

[ ]  assessment of pre-academic and/or academic achievement skills

 Date: \_\_\_\_\_\_\_\_\_\_

[ ]  complete multiple direct observations across both structured and unstructured settings and various times

 Date: \_\_\_\_\_\_\_\_\_\_

 Date: \_\_\_\_\_\_\_\_\_\_

 Date: \_\_\_\_\_\_\_\_\_\_

[ ]  other \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Date: \_\_\_\_\_\_\_\_\_\_

[ ]  other \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Date: \_\_\_\_\_\_\_\_\_\_

[ ]  other \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Date: \_\_\_\_\_\_\_\_\_\_

The assessment and evaluation data must demonstrate that the child is a child with a disability according to the requirements of IDEA (34 CFR Sec**.** 300.8(b)) described above.

**Determine the presence of a disability.** The assessments and evaluation data documented above must demonstrate that the child is a child with developmental delay according to the requirements of IDEA (34 CFR Sec. 300.8(b)). The questions below should be answered to help the EDT determine whether or not the child has a disability as defined by IDEA (2004).

**NOTE:** It is imperative that EDTs remember that multiple sources of evaluation data (including standardized and non-standardized) must be used for all eligibility determination decisions. It is essential that teams look at the whole child, not simply test scores. EDTs are strongly encouraged to review the introduction to this manual, particularly sections related to professional judgment (section 3), multilingual assessment issues (section 4), and the use and interpretation of standardized assessments and obtained scores (section 5).

1. Has the EDT eliminated the possibility that either the lack of (a) appropriate instruction in reading or math **and/or** (b) the opportunity to participate in developmentally appropriate early childhood experiences is a determinant factor?

[ ]  YES [ ]  NO

Documentation:

√ If answered NO, the child is not eligible under the developmental delay category.

1. Has the EDT eliminated the possibility that limited English proficiency is a determinant factor?

 [ ]  YES [ ]  NO

Documentation

√ If answered NO, the child is not eligible under the developmental delay category.

**NOTE:** When the child’s obtained scores are closely bordering the values below (i.e., 2 standard deviations or 30% below chronological age), the team should document the data (representing multiple sources) used to support eligibility determination decisions.  All decisions regarding the use of particular scores in the eligibility determination process should be based on professional judgment. These decisions must be clearly documented and the rationale for the decisions must be clearly outlined in the eligibility determination team (EDT) forms.

1. Has the EDT determined that the assessment and evaluation data demonstrate that the child is a child with a developmental delay as defined by IDEA (2004) and 6.31.2.7 NMAC, evidenced by a delay that is at least 2 standard deviations below the mean or 30% below chronological age in one or more of the following areas:

 Physical development [ ]  YES [ ]  NO

 Documentation:

 Cognitive development [ ]  YES [ ]  NO

 Documentation:

 Communication development [ ]  YES [ ]  NO

 Documentation:

 Social or emotional development [ ]  YES [ ]  NO

 Documentation:

 Adaptive behavior [ ]  YES [ ]  NO

 Documentation:

√ If answered NO to all of the above, the child is not eligible under the developmental delay category.

1. Has the EDT determined that no other eligibility category better describes this child’s disability?

[ ]  YES [ ]  NO

Documentation:

√If answered NO, the child is not eligible under the developmental delay category.

**Determine need for specially designed instruction.** The assessment and evaluation data documented above must demonstrate that the child requires specially designed instruction as a result of the disability according to the requirements of IDEA (34 CFR Sec. 300.39(b)(3)). The questions below should be answered to help the EDT determine whether or not the child requires specially designed instruction as defined by IDEA (2004).

1. As a result of the disability, does the child require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?

 **[ ]**  YES **[ ]**  NO

Rationale/Documentation:

2. As a result of the disability, does the child require specially designed instruction in order to participate in extracurricular and other nonacademic activities?

**[ ]**  YES **[ ]**  NO

Rationale/Documentation:

3. As a result of the disability, does the child require specially designed instruction in order to be educated and participate with other children with and without disabilities?

**[ ]**  YES **[ ]**  NO

Rationale/Documentation:

√Answering “yes” to one or more of the above statements (1, 2, 3) indicates that the child needs specially designed instruction.

**Determination of eligibility for special education and related services**. The EDT has reviewed the referral and evaluation sources relevant to this child and has made the following determination:

[ ]  The child is eligible under the eligibility category of developmental delay.

[ ]  The results of the evaluation documents that the child is eligible for and in need of special education and related services under the eligibility category of developmental delay as defined by IDEA (2004).

[ ]  The child is not eligible under the eligibility category of developmental delay.

[ ]  The results of the evaluation indicate that the child does not have developmental delay as defined by IDEA (2004), and the child is not eligible for special education and related services under any other eligibility category.

[ ]  The results of the evaluation indicate that the child does not have developmental delay as defined by IDEA (2004), but the child is eligible for special education and related services under the category of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. (Complete appropriate eligibility determination form for that category.)

[ ]  The results of the evaluation indicate that the child has developmental delay as defined by IDEA (2004); however, the EDT has determined that the eligibility category of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (as defined by IDEA, 2004) better describes the child’s primary disability that results in a need for specially designed instruction. (Complete appropriate eligibility determination form for that category.)

[ ]  The results of the evaluation indicate that although the child has developmental delay as defined by IDEA (2004), the EDT has determined that the child’s educational needs can be met without specially designed instruction.

[ ]  The EDT is unable to determine eligibility under the eligibility category of developmental delay. The following information is needed in order for the EDT to reconvene and make a final eligibility determination decision:

[ ]  Additional information from:

[ ]  Additional assessments in the following areas:

[ ]  Other:

Eligibility Determination Team Participants

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Title/Name** | **Date** | **Signature** |
| **[ ]**  | Parent/Guardian  |  |  |
| **[ ]**  | Parent/Guardian |  |  |
| **[ ]**  | Child |  |  |
| **[ ]**  | Special Education Teacher |  |  |
| **[ ]**  | General Education Teacher |  |  |
| **[ ]**  | District Representative |  |  |
| **[ ]**  | Person Interpreting Evaluation Results |  |  |
| **[ ]**  | Educational Diagnostician |  |  |
| **[ ]**  | Speech Language Pathologist  |  |  |
| **[ ]**  | Occupational Therapist  |  |  |
| **[ ]**  | Physical Therapist |  |  |
| **[ ]**  | School Psychologist  |  |  |
| **[ ]**  | Social Worker  |  |  |
| **[ ]**  | Other  |  |  |
| **[ ]**  | Other  |  |  |
| **[ ]**  | Other  |  |  |
| **[ ]**  | Other  |  |  |

Required members of the EDT, as described in IDEA (2004), are parent(s), special education teacher, general education teacher, district representative, and an individual who can interpret evaluation results (this is not necessarily an additional member of the team).

Team members who are serving in more than one role (e.g., district representative and person interpreting evaluation results) should sign in all applicable places.

Reevaluation Eligibility Determination: Developmental Delay

|  |  |
| --- | --- |
| Child’s Name: | DOB: |
| Gender: | Age: |
| School: | Grade: |
| Parent/Guardian: | Address: |
| Parent/Guardian: | Address: |
| Home Phone: | Work Phone: |
| Home Language: | Language Proficiency: |
| Primary Language: | Referral Date: |
| Test Dates: | Report Date: |

Developmental delay means a child who is experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development; and who, by reason thereof, needs special education and related services. The eligibility category may be applicable for children aged three through nine (or any subset of that age range). (34 CFR Sec. 300.8(b))

In New Mexico, developmental delay (DD) is called developmentally delayed and means a child aged 3 through 9 (or who will turn 3 at any time during the school year) with documented delays in development which are at least two standard deviations below the mean on a standardized test instrument or 30 percent below chronological age; and who, in the professional judgment of the IEP team and one or more qualified evaluators, needs special education and related services in at least one of the following areas: communication development, cognitive development, physical development, social or emotional development, or adaptive development. A child with a disability who only needs a related service, as defined under 34 CFR Sec. 300.34, and not special education as defined under 34 CFR Sec. 300.39(a)(2)(i), is not eligible under IDEA, and is not eligible to receive related services.

Subsection F (2) of 6.31.2.10 NMAC establishes that the use of the DD classification for children aged three through nine may be used at the option of individual local education agencies (LEA) but may only be used for children who do not qualify for special education under any other available disability category. If an LEA chooses to use the eligibility category of DD, they must make that eligibility category available for children aged three through nine and cannot limit the eligibility to a different age range.

Children who are found eligible under the category of DD must be reevaluated during the school year in which they turn nine and will no longer be eligible in this category when they become 10. A child who does not qualify under any other eligibility category at age 10 will no longer be eligible for special education and related services.

**The PED highly recommends that the Eligibility Determination Team (EDT) use the following information in making an eligibility determination under the category of developmental delay.**

**Review of evaluation data.** The EDT reviewed and/or completed the following evaluations and/or assessments as part of the reevaluation process according to the recommendations established in the New Mexico Technical Evaluation and Assessment Manual (2017):

[ ]  current classroom-based, short-cycle, and/or state assessments

Date: \_\_\_\_\_\_\_\_\_\_

[ ]  complete multiple direct observations across both structured and unstructured settings and various times

Date: \_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_

[ ]  observations and information provided by teachers and related service providers

Date: \_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_

[ ]  observations, information, and/or evaluations provided by the child’s parents

Date(s): \_\_\_\_\_\_\_\_\_\_

Other assessment information included:

[ ]  individual assessments in areas of suspected disability, including one or more of the following:

[ ]  motor skills assessment

Date: \_\_\_\_\_\_\_\_\_\_

[ ]  cognitive abilities assessment

Date: \_\_\_\_\_\_\_\_\_\_

[ ]  speech/language/communication assessment

 Date: \_\_\_\_\_\_\_\_\_\_

[ ]  social/emotional assessment

 Date: \_\_\_\_\_\_\_\_\_\_

[ ]  assessment of adaptive behavior

 Date: \_\_\_\_\_\_\_\_\_\_

[ ]  assessment of pre-academic and/or academic achievement skills

 Date: \_\_\_\_\_\_\_\_\_\_

 [ ]  other \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Date: \_\_\_\_\_\_\_\_\_\_

 [ ]  other \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Date: \_\_\_\_\_\_\_\_\_\_

 [ ]  other \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Date: \_\_\_\_\_\_\_\_\_\_

**Determine the continued presence of a disability.** The assessments and evaluation data documented above must demonstrate that the child continues to be a child with developmental delay according to the requirements of IDEA (34 CFR Sec. 300.8(b)). The questions below should be answered to help the EDT determine whether or not the child continues to have a disability as defined by IDEA (2004).

1. Has the EDT determined that the assessment and evaluation data demonstrate that the child continues to be a child with a developmental delay in one or more of the following areas as defined by IDEA (2004) and 6.31.2.7 NMAC?

Physical development [ ]  YES [ ]  NO

 Documentation:

 Cognitive development [ ]  YES [ ]  NO

 Documentation:

 Communication development [ ]  YES [ ]  NO

 Documentation:

 Social or emotional development [ ]  YES [ ]  NO

 Documentation

 Adaptive behavior [ ]  YES [ ]  NO

 Documentation

√ If answered NO, the child is no longer eligible under the developmental delay category.

2. Has the EDT determined that no other eligibility category better describes this child’s disability?

[ ]  YES [ ]  NO

Documentation:

√If answered NO, the child is no longer eligible under the developmental delay category.

**NOTE:** There are no specific reevaluation eligibility criteria, therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the REED process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

**Determine continued need for specially designed instruction.** The assessment and evaluation data documented above must demonstrate that the child continues to require specially designed instruction as a result of the disability according to the requirements of IDEA (34 CFR Sec. 300.39(b)(3)). The questions below should be answered to help the EDT determine whether or not the child continues to require specially designed instruction as defined by IDEA (2004).

To answer the following questions, the EDT should consider (a) the child’s present levels of academic achievement and functional performance, (b) the child’s educational needs, and (c) any necessary changes to the child’s educational program.

1. As a result of the disability, does the child require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?

 **[ ]**  YES **[ ]**  NO

Rationale/Documentation:

2. As a result of the disability, does the child require specially designed instruction in order to participate in extracurricular and other nonacademic activities?

**[ ]**  YES **[ ]**  NO

Rationale/Documentation:

3. As a result of the disability, does the child require specially designed instruction in order to be educated and participate with other children with and without disabilities?

**[ ]**  YES **[ ]**  NO

Rationale/Documentation:

√Answering “yes” to one or more of the above statements (1, 2, 3) indicates that the child needs specially designed instruction.

**Determination of continued eligibility for special education and related services.** The EDT has reviewed the referral and evaluation sources relevant to this child and has made the following determination:

[ ]  The child continues to be eligible under the eligibility category of developmental delay.

[ ]  The results of the evaluation document that the child continues to be eligible for and in need of special education and related services under the eligibility category of developmental delay as defined by IDEA (2004).

[ ]  The child is no longer eligible under the eligibility category of developmental delay.

[ ]  The results of the evaluation indicate that the child no longer has developmental delay as defined by IDEA (2004), and the child is not eligible for special education and related services under any other eligibility category.

[ ]  The results of the evaluation indicate that the child no longer has developmental delay as defined by IDEA (2004), but the child is eligible for special education and related services under the category of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. (Complete appropriate eligibility determination form for that category.)

[ ]  The results of the evaluation indicate that the child has developmental delay as defined by IDEA (2004); however, the EDT has determined that the eligibility category of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (as defined by IDEA, 2004) better describes the child’s primary disability that results in a need for specially designed instruction. (Complete appropriate eligibility determination form for that category.)

[ ]  The results of the evaluation indicate that although the child has developmental delay as defined by IDEA (2004), the EDT has determined that the child’s educational needs can be met without specially designed instruction.

[ ]  The EDT is unable to determine continued eligibility under the eligibility category of developmental delay. The following information is needed in order for the EDT to reconvene and make a final eligibility determination decision:

[ ]  Additional information from:

[ ]  Additional assessments in the following areas:

[ ]  Other:

Reevaluation Eligibility Determination Team Participants

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Title/Name** | **Date** | **Signature** |
| **[ ]**  | Parent/Guardian  |  |  |
| **[ ]**  | Parent/Guardian |  |  |
| **[ ]**  | Child |  |  |
| **[ ]**  | Special Education Teacher |  |  |
| **[ ]**  | General Education Teacher |  |  |
| **[ ]**  | District Representative |  |  |
| **[ ]**  | Person Interpreting Evaluation Results  |  |  |
| **[ ]**  | Educational Diagnostician |  |  |
| **[ ]**  | Speech Language Pathologist  |  |  |
| **[ ]**  | Occupational Therapist  |  |  |
| **[ ]**  | Physical Therapist |  |  |
| **[ ]**  | School Psychologist  |  |  |
| **[ ]**  | Social Worker  |  |  |
| **[ ]**  | Other  |  |  |
| **[ ]**  | Other  |  |  |
| **[ ]**  | Other  |  |  |
| **[ ]**  | Other  |  |  |

Required members of the EDT, as described in IDEA (2004), are parent(s), special education teacher, general education teacher, district representative, and an individual who can interpret evaluation results (this is not necessarily an additional member of the team).

Team members who are serving in more than one role (e.g., district representative and person interpreting evaluation results) should sign in all applicable places.