

Developmental Delay Eligibility State Board of Education September 4, 2024

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IDEA – Individuals with Disabilities Education Act

Sec. 300.8 (b)

(b) Children aged three through nine experiencing developmental delays. Child with a disability, for children aged three through nine (or any subset of that age range, including ages three through five), may, subject to the conditions described in §[300.111\(b\)](#), include a child—

(1) 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

(2) Who, by reason thereof, needs special education and related services.

The Federal Individuals with Disabilities Education Act (IDEA) permits the identification of children with developmental delays and continuity of instructional supports through age 9 as measured by appropriate diagnostic assessments (Title 20 U.S. code 1401 (3)). However, the Nevada State Board of Education’s current developmental delay rule NAC 388.430, limits developmental delay identification to children under the age of 6.

Determining Evaluation Under Developmental Delay or Other Disability Categories

If a student meets the eligibility criteria for a specific disability category and there are no additional concerns about other areas of the student's development, the team would proceed with that category. However, if there are broader developmental concerns that don't clearly align with a specific category, the team may consider qualifying the student under Developmental Delay.

National Trends in Developmental Delay age Ranges

- **Ages 3-9:** AS, AZ, FM, GA, ID, IL, KS, MA, MS, NH, NM, ND, MH, MN, OK, OR, SC, TN, VT, VI, WI, WY
- **Ages 3-8:** AL, AK, CO, DE, HI, IN, KY, LA, MT, NE, RI, WA
- **Ages 3-7:** DC, MD, MI, NC, UT
- **Ages 3-6:** ME, MO, OH, PA, VA
- **Ages 3-5:** AR, CT, FL, GU, **NV**, NJ, PU, SD, WV
- **Ages 3-4:** NY

States that do not use the Developmental Delay category: CA, IA, PR, TX

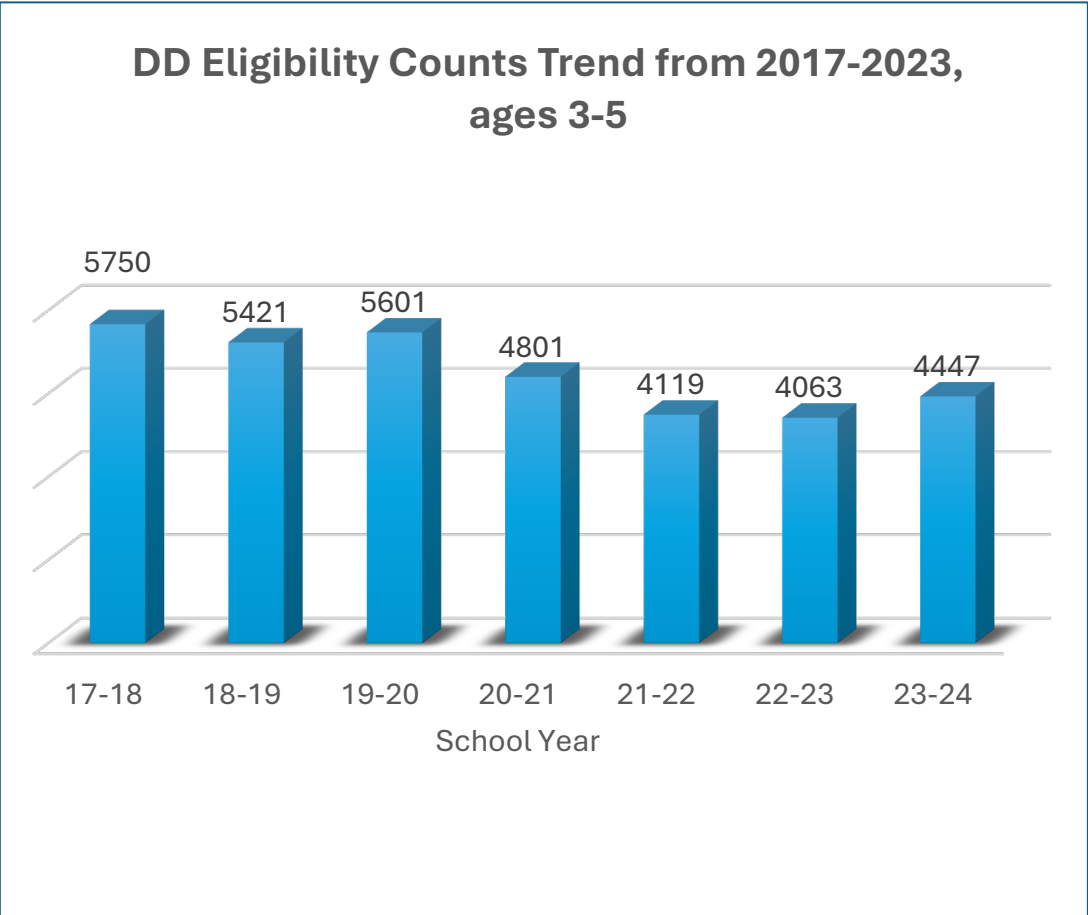
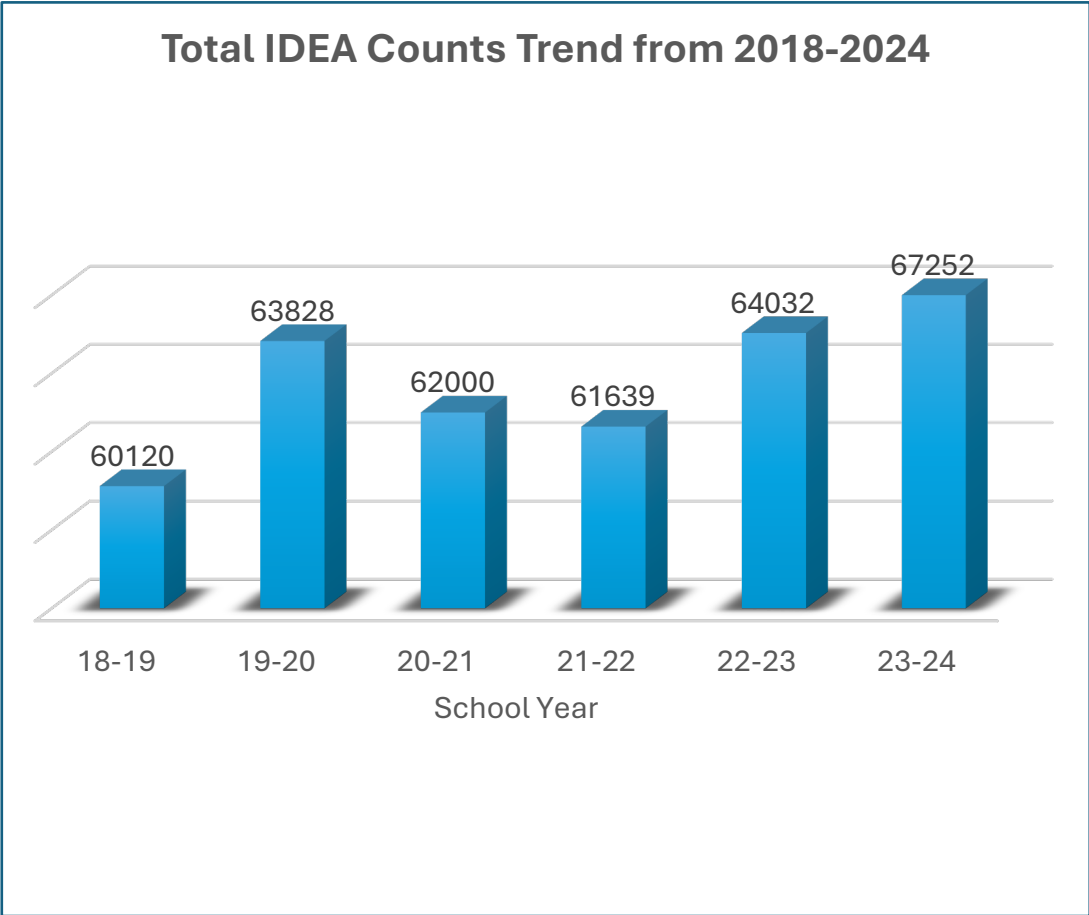
Virginia Department of Education

- In April 2010, the state of Virginia changed the age for Developmental Delay (DD) to include students ages two through six

“The decision to lower the eligibility age for the developmental delay category was made to ensure that children are not inappropriately found to be disabled. Identifying a child as having a disability is a serious decision that can result in unintended consequence such as misperceptions about the child’s abilities, the use of special services as an unnecessary crutch, and the possibility of those services interfering on the child’s participation in curricular activities that are appropriately challenging.” (Virginia Fast Facts, April 2010)

- [Fast Facts \(virginia.gov\)](http://www.virginia.gov)

Current Nevada DD Eligibility Counts



Potential Impact-Student Counts

- Increase in the number of students that are not found eligible in other categories that will now still be eligible under DD.
- The inability to predict the impact of the DD category rates continuing beyond age five, as this data is not currently tracked.
 - May be eligible under another disability category
 - Leave the state
 - Not found eligible in any category
 - Unknown how many students will not requalify under a different category after aging out under DD



Potential Impact-Resources

- Some teams may opt to use DD as a catch-all category rather than exploring more specific disability classifications, which could delay the identification of more precise needs and appropriate supports.
- As students approach the upper age limit of DD eligibility, teams will need to navigate a smooth transition to a new disability category, which could create challenges in continuity of services.
- More students being eligible under DD would require an increase in the number of Individualized Education Program (IEP) meetings and documentation, potentially straining resources for both educators and administrators.
- Educators and support staff may require additional training to better understand the DD category, its implications, and best practices for supporting students over an extended age range.

Potential Impact-Resources, Continued...

- With older students qualifying under DD, schools may need to increase behavioral and social-emotional supports tailored to older children who still have developmental delays.
- Extending the age range may raise new questions and concerns from parents regarding the long-term impact of DD eligibility on their child's education and future opportunities.
- A rise in service hours needed from specialists, including Speech and Language Pathologists (SLPs), Occupational Therapists (OTs), and Physical Therapists (PTs).
- An increased demand for teaching resources to support the growing number of eligible students.
- A higher evaluation caseload for School Psychologists as more students are referred for assessments.

Potential Impacts-Cost to Districts

- The Nevada Department of Education (NDE) is unable to predict the exact increase in students eligible for special education; however, if the DD age limit is extended, it is expected that school districts' financial responsibilities will rise.
- Districts currently receive IDEA Part B funds to support students with disabilities. An increase in the number of students eligible under the DD category would place additional financial strain on districts, requiring them to allocate more funds from their local budgets.
- It's important to note that Nevada has not seen a substantial increase in Part B funding from the U.S. Department of Education for many years, despite the growing needs of students.

Potential Impact-Testing/Retention

- For students maintaining a DD eligibility as they enter 3rd grade, IEP teams must determine the appropriate assessments for the student and whether accommodations are necessary.
- Additionally, an increase in students eligible under any category will lead to a rise in the number of students requiring review for potential retention exemptions based on their disability.

Survey from School Districts

Districts were surveyed regarding their support for a potential change, including the preferred age for the adjustment. The following data reflects the responses from Directors, Assistant Directors, School Psychologists, and Speech and Language Pathologists.

Yes, change the age for DD to age 9	Yes, change the age to 7 or 8	Yes, but revise the criteria for DD	No, don't change the age
196/223	18/223	2/223	7/223
88%	8%	1%	3%

Feedback from the Field-Support

“Students would benefit from continued special education support to address developmental needs beyond the age of six. It is common for students to be exited at the age of six just to be evaluated again at the end of 2nd grade.”

Special Education Facilitator

“An increase in the DD age will greatly improve a multidisciplinary team’s ability to provide services to students without needing to rush to an eligibility decision without the data needed to make an accurate eligibility category identification.” School Psychologist

Feedback from the Field-Concerns

“One concern I have with increasing the age is that this decision would potentially greatly increase the number of students with disabilities... I would be in favor if the eligibility criteria was changed. If this proposal only includes an age change, I am not in favor.” Director of Special Services

“Increasing the age of DD eligibility will be problematic. Not only will students continue DD eligibility far into their primary grades, but there will also be an influx of DD requests from school team requesting DD evaluation, in part, to circumvent any potential intervention needed for other disabling conditions (e.g. Specific Learning Disabilities.” Coordinator – Psychological Services Coordinator.

Adjusting the age is just one part of the equation.

To improve outcomes, we need to:

- Increase opportunities for Early Intervention.
- Shift expectations for Universal Pre-K.
- Expand inclusive practices and ensure access to the general education curriculum.
- Avoid making changes that simply prolong current practices with older students—do something different.

Regardless of any change in the DD age, schools must continue to provide interventions, supports, and maintain high expectations for student outcomes. We can achieve this by using Evidence-Based Systems and Interventions that drive results, such as:

- Multi-Tiered System of Support (MTSS)
- The Pyramid Model
- Read By Three Strategies.

Comprehensive Approach to Changes in DD Eligibility Criteria

Key Considerations for DD Eligibility Changes

- **Stakeholder Engagement:** Involve parents, educators, and advocacy groups to ensure changes reflect diverse needs.
- **Resource Allocation:** Plan for increased service demands (SLP, OT, PT) and ensure funding to avoid staff overload.
- **Student Support Continuity:** Ensure smooth transitions, tailored support, and regular evaluations for students as they age.
- **Mitigating Unintended Consequences:** Address increased IEP workloads and prevent over-reliance on the DD category.

Focus on balanced, equitable implementation for the best student outcomes.

Recommendations

Based on the survey results, while an overwhelming number of individuals support the change, we must remain diligent and student-focused. It is essential to take the necessary time to thoroughly examine the intended and unintended consequences this change may have on districts and students across Nevada.

Key areas to research include:

- Data collection on students who have aged out of DD but were not found eligible under another category, to assess the impact.
- Analysis of the eligibility categories students are being placed in after turning six.
- Financial impacts on districts based on the data collected.
- Consideration of mandatory kindergarten enrollment at age six.
- Consider Universal Pre-K for all students starting at age three.
- Active engagement of all stakeholders, including parents and parent advocacy centers.

It is recommended to allocate six months for comprehensive research to ensure the final decision is well-informed and centered on what is best for students with disabilities.

Survey Responses

Please review the 224 responses for further feedback

<https://app.smartsheet.com/b/publish?EQBCT=1999841f88b641888c8646088a16481d>



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