



The following slides provide guidance on the eligibility category, definition, and criteria for “child with a developmental delay” in Colorado public schools.

These slides may also be found within the Comprehensive Overview Training PowerPoint, which provides guidance on every eligibility category.

If these slides are used as a self-standing training tool, it is recommended that they be supplemented with the posted slides specific to the HB11-1277 Overview, which can be found at: [http://www.cde.state.co.us/cdesped/Training\\_ECEAEligibility.asp](http://www.cde.state.co.us/cdesped/Training_ECEAEligibility.asp)

The HB11-1277 Overview slides will detail the history and timelines of implementation of the new eligibility categories, definitions, and criteria.

# Together We Can

## Vision

**All students in Colorado will become educated and productive citizens capable of succeeding in a globally competitive workforce.**

## Mission

**The mission of CDE is to shape, support, and safeguard a statewide education system that prepares all students for success in a globally competitive world.**

# Developmental Delay

- The following slides have been vetted internally within the Colorado Department of Education for training purposes of the definition and eligibility criteria for Developmental Delay.
- If you make any changes to these slides, please acknowledge that they are different from this vetted product and may no longer represent the viewpoint of the CDE.

## Eligibility Checklist for Developmental Delay

- It is recommended that the following training slides be used in conjunction with the Eligibility Checklist for a Child with a Developmental Delay, which can be found at:

[http://www.cde.state.co.us/cdesped/IEP\\_Forms.asp](http://www.cde.state.co.us/cdesped/IEP_Forms.asp)

**DEVELOPMENTAL DELAY**

**Developmental Delay  
(formerly Preschooler with a Disability)**

**Penny Dell**      [dell\\_p@cde.state.co.us](mailto:dell_p@cde.state.co.us)  
**(303) 866-6720**

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If there are any questions about the definition and eligibility criteria for Developmental Delay, please be in contact with Penny Dell at [dell\\_p@cde.state.co.us](mailto:dell_p@cde.state.co.us) or (303) 866-6720.

If there are any questions about whether a specific child meets the established criteria for Developmental Delay, please be in contact with the administrative unit's Special Education Director.

**2.08 (13) A child with a Developmental Delay shall be three through eight years of age and who is experiencing developmental delays in *one or more* of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development and as a result is unable to receive reasonable educational benefit from general education and requires special education and related services.**

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This and the next three slides include the exact wording of a Child with a Developmental Delay eligibility criteria that are in the *Rules for the Administration of the Exceptional Children's Educational Act 1 CCR 301-8*

This definition is very similar to Preschooler with a Disability with the exception of the age range and more specificity to the third criteria.

**2.08(13)(a) For children ages three through eight efforts will be made to identify a child's primary disability under one of the other Part B eligibility criteria. A child shall be determined to be eligible under the Developmental Delay category only in those situations in which a clear determination cannot be made under any other category as measured by developmentally appropriate diagnostic instruments and procedures. In order for a child to be deemed a child with a Developmental Delay, multiple sources of information must be used to determine if a child meets *one or more* of the following criteria:**

- **2.08(13)(a)(i) A score in the seventh percentile or below on a valid standardized diagnostic instrument, or the technical equivalent in standard scores (77 if the mean is 100 and the standard deviation is 15) or standard deviations (1.5 standard deviations below the mean) in one or more of the following areas of development: physical development, cognitive development, communication development, social or emotional development, or adaptive development as one of the multiple sources of evaluation information;**

**OR**



- **2.08(13)(a)(ii) Empirical data showing a condition known to be associated with significant delays in development;**

**OR**

- **2.08(13)(a)(iii) A body of evidence indicating that patterns of learning are significantly different from age expectations across settings and there is written documentation by the evaluation team which includes the parent(s).**

We will review each of these criteria in a bit.

## Why this Change?

- Reduces inaccurate labeling
- Eliminates artificial timelines and reduces possible inappropriate practices
- Increases cost effectiveness

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**This new category will be most helpful for children transitioning from preschool to kindergarten, but will also benefit children in 1<sup>st</sup> & 2<sup>nd</sup> grades.**

- **Inaccurate labeling:** Oftentimes a “preschooler with a disability” who is turning 6 and transitioning to kindergarten gets qualified under another category (such as Specific Learning Disability, Intellectual disability, Serious Emotional disability) without having a clear picture of the child’s abilities and areas of need. The team knows there are still needs but have not had time to see the child in a school-age setting to accurately determine a clear disability
- **Artificial timelines and possible inappropriate practices:** In such cases children are being re-evaluated solely based on the child’s age, not based on the what the child needs nor on what information the team has or does not have. Teams sometimes feel the need to “scramble” to get a child qualified at age 6 who they know needs to continue receiving special education but cannot clearly meet the criteria in another eligibility category. A child at age six with the Developmental Delay label can continue receiving services while the team collects information that will help determine the accurate eligibility category
- **Cost effectiveness:** Testing a child at age 6 when there is not really enough information to determine an accurate eligibility category is costly in time and resources.

## Why this Change?

- Reduces lapses in special education services
- Clarifies a developmental delay vs. disability
- Reduces stress on families
- Aligns with the birth to 8 model

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- **Lapses in special education services:** In some cases when a child turns six, the team cannot determine another category in which to qualify and, thus, will exit the child from special education. However, these children oftentimes are re-evaluated based on concerns at age seven or eight and re-determined eligible. In other cases a child may transition from Preschooler with a Disability to a child with a Speech or Language Impairment and may receive speech/language therapy services. Using the Developmental Delay category will allow a child to receive the appropriate services early on.
- **Developmental delay vs. disability:** The brain of a six year old is still developing, and therefore, this label may be more accurate. Research indicates that a true disability may not been seen until second grade. Also, with some children it is difficult to accurately access cognitive abilities at age six. When qualifying a child under this category it is important to talk to a family about the difference between a “delay” and a disability”. In some situations it may turn out to be a true delay and the child may exit special education by age nine. In other situations, as the child grows, there may be evidence that the child has a true disability.
- **Family stress:** For many families the process of re-evaluating and determining a new eligibility and services can be stressful, especially when dealing with transitioning from preschool to kindergarten. Many times children are “staffed out” at this transition time when parents don’t agree only to be re-evaluated later and found eligible.
- **Birth-8 model:** The national trend is to define “early childhood” as birth to 8. This aligns with that model. Colorado’s Race to the Top – Early Learning Challenge addresses birth to 8. The language of Developmental Delay aligns with IDEA. 42 other states that now

## What Criteria Must a Child Meet?

In order for a child to be determined eligible as a child with a Developmental Delay *one OR more* of the following criteria must be met:

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- There are three criteria under this eligibility category. A child must meet at least one of the criteria in order to be made eligible as a Child with a Developmental Delay. Let's look at each criteria separately.

## Score in the 7<sup>th</sup> Percentile or Below

**A score in the seventh percentile or below on a valid standardized diagnostic instrument:**

- **Using valid and appropriate instruments**
- **Used in conjunction with other sources of information**

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- This criteria was also one criteria under the former eligibility category of Preschooler with a Disability.
- The use of valid and appropriate (for the age of the child) is critical.
- It is important that the results of any standardized instrument be used in conjunction with other sources of information; observation in authentic settings, parent report, other medical/educational records, language samples, etc.

## Condition Associated with Significant Delays

**Empirical data showing a condition known to be associated with significant delays in development.**

- **Diagnosis of medical conditions known to be associated with development delays (i.e. Down syndrome, cerebral palsy, spina bifida)**
- **Consider other eligibility categories (i.e. Orthopedic Impairment, Other Health Impairment, etc.)**

- This criteria was also one criteria for the former eligibility category of Preschooler with a Disability.
- When looking at a physical condition that the child has the team may need to consider whether or not the child will qualify under one of the health related eligibility categories.

## Body of Evidence – Patterns of Learning are Significantly Different

A *body of evidence* indicating that *patterns of learning* are significantly different from age expectations *across settings* and there is *written documentation* by the evaluation team which includes the parent(s)

- The body of evidence is gathered through multiple sources and methods of information (i.e. play-based observations, language samples, standardized instruments, developmental checklists, routines- based assessments & family member interviews, parent report, information from Part C providers, etc.)
- Information gathered from *various settings* (i.e. classroom, child care, home, etc.)

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- This third criteria differs from the third criteria for Preschooler with a Disability. This is where more specific language has been added.
- This criteria was deliberately written to include the key words and phrases highlighted in red:
  - *Body of evidence* (i.e. multiple sources and methods) should be able to give a picture of the child's strengths and areas of concern.
  - The team should be looking at *patterns* of learning *across settings*; various school settings, (and for children who have not yet had a school experience) home environments, community, child care, etc. **not just** what is being observed in assessment/evaluation setting

## Remember

- **For a young children, delays and/or differences in one area of development can impact other areas of development must be considered.**
- **Parental input is especially important for children who have not yet been in a classroom setting.**
- **Written documentation must substantiate the presence of a developmental delay.**

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•When evaluating young children whose brains are still developing, it is critical to keep in mind that a delay or disability in one area of development has impacts on the other areas of development. Example: a motor / orthopedic delay or disability that impacts the child's ability to explore and interact with his/her environment can have a direct effect on cognitive and/or language development. A delay or disability in language / communication can impact the child's development in cognition and/or social emotional development.

•Parental input is also critical with this eligibility category, especially for children who have not yet been or who have had limited time in a school setting. It is important for the evaluation team to ask parents if the information that was gathered during an evaluation setting is typical or consistent with what they know about their child.

•The body of evidence that the evaluation team (including the parents) collects needs to be clearly documented in writing within the body of the IEP to substantiate the presence of a developmental delay.



## How to Use This Category

**When a clear determination cannot be made under any other category.**

- **Must not be used as a “catch-all”**
- **Must use multiple sources of information**
- **Must be changed by the Dec 1<sup>st</sup> Count, if the child will be 9**
- **Expect that very few 8 year olds will be determined eligible under this category**

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- If the evaluation team can make a clear determination in another category then that is what should be done. At the same time, other disability categories do not have to be ruled out (i.e. checklists completed) in order to use this category.
- At the same time this category is not intended to be a “catch-all” or to try and qualify children who do not have a true disability as defined by ECEA.
- A very important part of the determination for this category is using multiple sources of information must be used to determine that the child is a child with a developmental delay.
- Because this category applies to children through age 8 a child being reported on the Dec 1 count who is 9 years must qualify under a different eligibility category.
- It is anticipated that few children in 2<sup>nd</sup> or 3<sup>rd</sup> grade will fall under this category. Some will have exited from special education while others will have qualified under another disability category.

## Changing From Preschooler With a Disability to Child With a Developmental Delay

- **Most children eligible under Preschooler with a Disability will turn 6 before their triennial**
- **Initiate the reevaluation process**
- **Provide Prior Written Notice/Obtain Consent for Evaluation**
- **Review current information & determine if any other information is needed**
- **Complete Child with a Developmental Delay checklist**

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- Many children who have qualified under Preschooler with a Disability will be turning age six before their triennial.
- To change the disability category the reevaluation process is used and PWN is provided and consent to evaluate is obtained. If the team believes they have sufficient current information to qualify the child as a Child with a Developmental Delay, then they can move forward with completing the Developmental Delay Eligibility Checklist. This can be done at the time of an annual review or any other time the team feels appropriate.
- If the team feels there is not sufficient current information and more evaluation information is needed, then they would obtain a consent to evaluate and proceed with an evaluation process.

## To Be Eligible as a Child With Developmental Delay

*One of the Following Must be Met:*

1. A score in the seventh percentile or below on a valid standardized diagnostic instrument **AND/OR**
2. Empirical data showing a condition known to be associated with significant delays in development **AND/OR**
3. A body of evidence indicating that patterns of learning are significantly different from age expectations across settings.

**AND**

**The condition must create a need for specialized instruction.**

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To qualify as a child with Developmental Delay, the child must meet at least one of the 3 criteria **and** there must be evidence that the child cannot receive reasonable educational benefit from general education without specially designed instruction.

Thank You!

