

Significant Developmental Delay

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July 1, 2015



PI 11 Significant Developmental Delay

- **SECTION 1. PI 11.36 (11) (a) is amended to read:**
- **PI 11.36 (11) (a)** Significant developmental delay means children, ages 3, ~~4 and 5~~ through 9 years of age ~~or below compulsory school attendance age~~, who are experiencing significant delays in the areas of physical, cognition, communication, social-emotional, ~~or~~ adaptive development.

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- Timelines
 - Emergency Rule went into effect on July 1, 2015
 - Permanent Rule is now in effect as of September 1, 2015



The new rule goes into effect July 1, 2015. So this means, SDD may be considered as a disability category for children ages 3 through nine. This means that by the age of 10, (just as it was age 6 now), an IEP team must determine if the child is eligible for special education and related services under a new disability category or determine that the child no longer needs special education and related services.

Initial and Reevaluations

- Initial Evaluations
- Reevaluations
 - A child continues to qualify as significantly developmentally delayed if the child meets the (initial) SDD criteria and continues to demonstrate a need for specially designed instruction beyond the age of 6.
- Team must consider other suspected disability categories for both.



A common question: Does the new rule only apply to reevaluations for children who turn 6? No, the new rule applies to both initial and reevaluations for child ages 6 through 9.

SDD Eligibility Criteria

- A child may be identified as having significant developmental delay when delays in development significantly challenge the child in **two or more of the following five major life activities:**
- Physical activity...
- Cognitive activity...
- Communication activity....
- Emotional activity...
- Adaptive activity...



“ A child may be identified as having significant developmental delay when delays in development significantly challenge the child in two or more of the following five major life areas.” There are five major life activities that are addressed in significant developmental delay. The five areas are Physical, Cognitive, communication, emotional and adaptive. In this section of the criteria we are determining if significant delays are present. Significant delays are considered more than a -1.5 standard deviation in the life activity area or domain.

The first major life activity or domain is physical. Physical includes gross motor **and/or** fine motor. Please note that it can be fine or gross motor or it can be both fine and gross motor. Gross motor skills include the ability to move around and successfully interact with their environment with appropriate coordination, balance and strength. Fine motor included manipulating and controlling objects such as toys and drawing utensils. Fine motor may include some prewriting skills as well as early fine muscle tasks.

Cognitive activities include the ability to acquire, use and retrieve information, developmental skills such as discrimination, classification, sequencing and problem solving. This area focus's on larger developmental skills or concepts rather than only discrete rote pre-academic skills such as color, shape, number and letter identification.

Communication activities include expressive and receptive language skills. This is how a child uses or understands language in his or her environment.

Emotional activities include the ability to express emotions and feelings appropriately, the development of a positive self and interaction skills. Interaction skills include how the child interacts with other children, other adults and their environment.

Adaptive activities include general self care and independence tasks. This includes eating, dressing, toileting and other hygiene related tasks.

PI 11 Significant Developmental Delay (b)

- “All other suspected impairments under this section shall be considered **before** identifying a child’s primary impairment as significant developmental delay.”
- Consider does not mean “rule out” all other 13 disability impairments.
- Team must consider only areas of suspected impairments based on referral information.



The second component of the criteria or on your handout section “B” states “All other suspected impairments under this section shall be considered *before* identifying a child’s primary impairment as significant developmental delay” So what does this mean.

Significant developmental delay should not always be the initial or only area of impairment that the IEP team addresses. The suspected areas of impairment that should be considered during an evaluation are determined by the IEP team. This decision is generally made during the review of existing data when the IEP determines what additional testing is needed. The child is assessed in all areas related to the suspected disability. “Consider” does not mean the same as “rule out”; as there is no requirement to determine whether the child meets the eligibility criteria for ALL 13 impairments or disability categories during an evaluation. The requirement to conduct a full and individual evaluation does not necessarily mean an IEP team must consider a particular number of impairments, only the suspected impairments.

“Through the age of 9”

- A reevaluation for continued eligibility under a new category or to determine the child no longer needs special education and related services, must occur before the age of 10.
- NOTE: This is an age (not grade level) limit/deadline.



Another common question has already been asked: Can a child who turns 10 during the school year, continue to receive services under the disability category of SDD through the end of the (school) year, even though the team has determined that the child no longer is eligible and needs special education and related services? No, age 10 is the age limit. The recommendation would be to consider reevaluating the child during the year of the child's 9th birthday so that they are ready for the new school year in the fall. Don't be caught off guard and wait for the child to turn 10! Plan ahead.

Reevaluations

- There are “natural” times when IEP Teams may want to consider continued eligibility under a new category:
 - 3 Year Reevaluation (at age 6, 7, 8, and 9)
 - Annual IEP (review information)
 - End of the school year (especially during the year of the child’s 9th birthday)
 - And at ANY time, the IEP team has enough information to determine a new category

Reevaluations

- **WARNING.....**It is not automatic that a child continues to receive special education and related services under SDD until the age of 10!
- **Intent of the Rule:** Allow an extended period of time until the team gathers enough information to determine new category (not meant to delay eligibility under new category).
- Determination should consider the child's age, development, placement, previous experiences and opportunities, and access to the general curriculum or other preschool appropriate activities



IEP teams need to be careful when determining eligibility under SDD whether it is for an initial evaluation or a reevaluation, especially for a child 6 years old or older. It is not automatic that a child continues to receive special education and related services under the category of SDD. Remember the intent of the rule is to allow enough time for the IEP team to gather enough information to determine, when appropriate, a new disability category. Considerations should include: How old is this child? Where is the child developmentally? What is the child's level of maturity? Has the child previously participated in general education setting with typically developing peers? Has this child had high quality, appropriate instruction and ample opportunities to learn ?

Services and Placement

- IEP Teams should consider the child's age, present levels and educational needs, especially for children ages 6 through 9.
- Least Restrictive Environment: moving from Indicator 6 preschool environments to Indicator 5 full time regular education, part time special education, full time special education (education environments).
- District/state standards for that grade level (rather than preschool age appropriate activities), including access to the general curriculum, including supplementary aids and supports, and program modifications.
- Related services in order for the child to benefit from special education.
- Special Education Teacher: who is most appropriate to serve the child.



Just because child is SDD, they still have access to general curriculum and educational supports and resources. Yes, a teacher who works with children with an SLD, can also work with a child who has an SDD...at the same time!

For More Information

Jenny Giles

(608) 267-9172

Jennifer.Giles@dpi.wi.gov

