

DEVELOPMENTAL DELAY AS QUALIFYING DISABILITY

Pursuant to 20 U.S.C. 1401(3)(B), the District adopts “developmental delay” as one of the disabilities that may qualify a child as disabled under the federal Individuals with Disabilities Education Act (IDEA) and New Hampshire’s special education statute.

In order to qualify for special education based on developmental delay, the student must:

1. Be at least 3 years of age and less than 10 years of age;
2. Be experiencing delays in one or more of the following areas:
 - a. Physical development;
 - b. Cognitive development;
 - c. Communication development;
 - d. Social or emotional development; or
 - e. Adaptive development; and
3. By reason thereof, need special education and related services, as measured by appropriate diagnostic instruments and procedures consistent with Ed 1107 and Board policy IHBAB and identified in compliance with 34 CFR 300.111(b).

Legal References:

20 U.S.C. 1401(3)(B) – Child with a Disability, Child Aged 3 through 9

RSA 186-C:2, I and I-a – definitions of “child with a disability, and “developmentally delayed” respectively

N.H. Dept. of Ed. Admin. Rule – Ed. 1102.01(s)

Legal References Disclaimer: *These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

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Second Reading: November 16, 2022

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