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Bureau of Special Education FY'09 Memo #23

Date: January 14, 2009

To: Superintendents of Schools
Directors of Special Education

From: Office of the Commissioner of Education

Division of Instruction
Bureau of Special Education

Re: Changes to Definition of Developmental Delay

The New Hampshire Department of Education, Bureau of Special Education, is providing this update regarding the definition of Developmental Delay.

Effective January 1, 2009, RSA 186-C:2, I-a defines "Developmentally delayed child" as follows:

RSA 186 C:2, I-a.

"Developmentally delayed child" means a child at least 3 years of age or older but less than 10 years of age, who, because of impairments in development, needs special education or special education and related services, and may be identified as being developmentally delayed provided that such a child meets the criteria established by the State Board of Education.

Key points to be aware of:

- The developmental delay identification is for eligible children ages three to ten years of age.
- The prior requirement that the child must first be determined to have an educationally disabling condition as defined in RSA 186 C:2,I has been removed.
- The State Board of Education will establish criteria for identification as a child with a developmental delay.
- The definition for developmental delay under both IDEA and State law is different for early intervention (children birth to age three) than for special education.

For more information, please contact Ruth Littlefield: rlittlefield@ed.state.nh.us or 271-2178.

This document is also available in alternate format upon request.