
Kentucky Definition of Developmental Delay

According to the Kentucky Administrative Regulations (KAR), [707 KAR 1:002, Section 1 \(22\)](#), “Developmental delay or DD means that a child within the ages of three (3) through eight (8) has not acquired skills, or achieved commensurate with recognized performance expectations for his age in one (1) or more of the following developmental areas: cognition, communication, motor development, social-emotional development, or self-help-adaptive behavior. Developmental delay includes a child who demonstrates a measurable, verifiable discrepancy between expected performance for the child's chronological age and current level of performance. The discrepancy shall be documented by:

- a) Scores of two (2) standard deviations or more below the mean in one (1) of the areas listed above as obtained using norm-referenced instruments and procedures;
- b) Scores of one and one-half (1 ½) standard deviations below the mean in two (2) or more of the areas listed above using norm-referenced instruments and procedures; or
- c) The professional judgment of the Admissions and Release Committee (ARC) that there is a significant atypical quality or pattern of development. Professional judgment shall be used only where normal scores are inconclusive, and the ARC documents in a written report the reasons for concluding that a child has a developmental delay.”

This non-regulatory guidance is intended to provide frequently asked questions related to the Developmental delay (DD) eligibility category referenced in the Kentucky Administrative Regulations (KARs).

Questions and Answers Related to Developmental Delay (DD)

1. What are the developmental delay eligibility requirements in Kentucky?

Kentucky’s eligibility for special education and related services is determined by a “full and individual evaluation” [[707 KAR 1:300, Section 4](#)]. The ARC uses the evaluation results to determine if a student meets DD eligibility requirements [[707 KAR 1:310, Section 1](#)].

The ARC determines that a student meets eligibility when a student demonstrates a measurable, verifiable difference between expected performance and current levels of performance documented by the discrepancy found in [707 KAR 1:002, Section 1 \(22\)\(a\),\(b\)](#). The ARC will use data from a variety of sources, including response to scientific, research-based interventions; vision, hearing, and communication screenings;

parent input; aptitude and achievement tests; teacher recommendations; physical condition; social or cultural background; adaptive behavior; or behavioral observations [[707 KAR 1:300, Section 4](#)]. The provision of services and programs for developmental delay is based on a child's strengths and needs, as measured by the five developmental areas:

- Cognition
- Communication
- Motor Development
- Social-Emotional Development
- Self-Help/Adaptive Behavior

If the ARC determines that eligibility findings are inconclusive, the ARC may use professional judgment in their review of eligibility when evaluation data is inconclusive. The ARC will document the reasons for concluding that a child has a developmental delay [[707 KAR 1:002, Section 1 \(22\)\(c\)](#)].

2. Is a medical diagnosis required for a child to be identified as a child with a developmental delay?

There is no requirement in the Kentucky Administrative Regulations to include a medical diagnosis as part of the eligibility determination. Under [707 KAR 1:300, Section 4 \(5\)](#), in conducting the evaluation, the public agency must use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child that may assist in determining whether the child is a child with a disability and the educational needs of the child. This could include information from a physician, if determined appropriate, to assess the effect of the child's medical condition on the child's eligibility and educational needs. [707 KAR 1:300, Section 4 \(9\)](#), mandates that no single measure or assessment may be used as the sole criterion for determining eligibility.

3. If the child has not made progress by age nine, may the ARC continue using the developmental delay eligibility category?

No, according to [707 KAR 1:002, Section 1 \(22\)](#), the category of developmental delay may only be used through age 8. The ARC should obtain parental consent for re-evaluation and begin the re-evaluation process to determine if the child meets the

eligibility requirements for another disability BEFORE the child reaches age 9. If the ARC has reason to suspect the student is no longer eligible under the category of developmental delay, then the ARC may conduct a re-evaluation sooner to determine if:

1. Another disability category more appropriately describes the child's needs; or
2. The child is no longer a child with a disability that requires special education and related services. [[707 KAR 1:300, Section 4](#)]

4. May a child have a developmental delay and be eligible for specially designed instruction (SDI) in the area of motor development only? If so, who is the case manager?

Yes, if determined to be a child with a disability as defined in [707 KAR 1:002, Section 1 \(9\)](#) and the ARC determines there is an adverse impact in the developmental area of motor development ([707 KAR 1:002, Section 1 \(22\)](#)), then the ARC must determine which services are required to meet the student's needs according to the provision of a Free Appropriate Public Education (FAPE).

The case manager would be the Interdisciplinary Early Childhood Education (IECE) teacher for a preschool student and a special education teacher for a school-aged student.

5. May a child have a developmental delay and be eligible for SDI in the area of communication only? If so, who is the case manager?

Yes, if determined to be a child with a disability as defined in [707 KAR 1:002, Section 1 \(9\)](#) and the ARC determines there is an adverse impact in the developmental area of communication ([707 KAR 1:002, Section 1 \(22\)](#)), then the ARC must determine which services are required to meet the student's needs according to the provision of a FAPE.

The case manager would be the Interdisciplinary Early Childhood Education (IECE) teacher for a preschool student and a special education teacher for a school-aged student.

Additional Resources

[National Early Childhood Technical Assistance Center \(NECTAC\) Notes no. 27 Eligibility Policies and Practices for young children under Part B of IDEA](#) Provides a brief history of eligibility determinations under IDEA Part B and a summary of how states are using the developmental delay category for students aged 3 to 9.

[Centers for Disease Control and Prevention \(CDC\) Facts About Developmental Disabilities](#) Provides information in English and Español about developmental milestones, monitoring, and screening.

[Developmental Delay \(DD\) Eligibility Determination Form](#) Provides the required attachment to the ARC conference summary.