



Developmental Delay

*Evaluation and Eligibility Guidance
for West Virginia Schools*





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2022-2023**

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Developmental Delay

Evaluation and Eligibility Guidance for West Virginia Schools



West Virginia Department of Education
Federal Programs and Support, Special Education

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This document is meant to provide eligibility and evaluation guidance for developmental delay, and reflects the West Virginia Department of Education's recommendations. This information may be subject to change. Visit <https://wvde.us/> for the latest information, including any updates to this document.

September 2023 - Update: WVEIS Data Entry Guidance sections in the Reevaluation chapter have been updated to reflect current WVEIS codes and definitions.

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Background

In the spring of 2022, the West Virginia Department of Education (WVDE), along with internal and external stakeholders, drafted a revision to West Virginia Board of Education (WVBE) Policy 2419: *Regulations for the Education of Students with Exceptionalities*. This revision was prompted by legislation, case law, and guidance from national technical assistance centers and the Office of Special Education Programs (OSEP) that emerged since WVBE Policy 2419 was last revised in 2017.

While no changes to the definition of developmental delay were proposed in the revision that went out for public comment, WVDE received comments advocating for an expansion of the age range for this exceptionality. Prior to the 2022 revision of WVBE Policy 2419, a student no longer met eligibility for developmental delay upon reaching the age of six, and had to be evaluated prior to the student's sixth birthday to determine eligibility under another category or be dismissed from special education services.

Following the public comment period in 2022 and opportunities for additional input from external stakeholders regarding an age range change, WVDE considered the feedback received and revised WVBE Policy 2419 to gradually expand the age range over a period of two years to ultimately allow students found eligible under developmental delay to continue receiving special education services until the end of the school year during which the student reaches age eight, if needed. The method for measuring a delay was also expanded to allow consideration of whether a student performs 1.5 standard deviations or more below the mean on a standardized evaluation instrument. Both changes to the category of developmental delay are within the constraints of the federal definition of developmental delay (34 CFR 300.8(b)). The remainder of this document will provide clarification about the changes made to the eligibility category of developmental delay, as well as guidance regarding the new and revised Special Considerations.

Individuals with Disabilities Education Improvement Act (IDEA 2004):

Federal Definition of Developmental Delay

Children aged three through nine experiencing developmental delays. Child with a disability for children aged three through nine (or any subset of that age range, including ages three through five), may, subject to the conditions described in [§ 300.111\(b\)](#), include a child –

- (1) Who is experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: Physical development, cognitive development, communication development, social or emotional development, or adaptive development; and*
- (2) Who, by reason thereof, needs special education and related services.*

34 CFR 300.8(b)

Definition of Developmental Delay in WVBE Policy 2419

🗨️ E. Developmental Delay *(revisions are bolded and italicized)*

Definition: Developmental delays occur in students, ages three through five, who are functioning at, or lower than, 75 percent of the normal rate of development, ***or who perform 1.5 standard deviations or more below the mean in consideration of 1.0 standard error of measurement on a standardized evaluation instrument***, in two or more of the following areas:

1. cognition;
2. physical development including gross motor and/or fine motor skills;
3. communication;
4. social/emotional/affective development; and/or
5. self-help skills.

- ***Effective July 1, 2023, the age range defined for developmental delay will be extended to include ages three through six.***
- ***Effective July 1, 2024, the age range defined for developmental delay will be extended to include ages three through seven.***

Eligibility Criteria for Developmental Delay

An EC¹ will determine that a student is eligible for special education services as a student with developmental delay when all the following criteria are met.

1. The student exhibits characteristics consistent with the definition.
2. The student needs special education.

Special Considerations

1. Special education and related services for the eligible student with a developmental delay will be provided as of the student's third birthday when eligibility is determined prior to the third birthday.
2. Each LEA² will participate in transition planning conferences³ arranged by the designated lead agency for Part C.
3. ***For a student transitioning from a Part C early intervention program, an interagency transition plan must be developed to assure that by the time a student turns three years of age an IEP⁴ has been developed and implemented by the LEA.***
4. ***For a student who turns three years old in the spring/summer, the LEA is responsible for implementation of the IEP services for students as of the third birthday.***

¹ Eligibility Committee

² Local Educational Agency

³ Federal requirement (34 CFR 303.209)

⁴ Individualized Education Program

Definition of Developmental Delay in WVBE Policy 2419 (continued)

5. If appropriate, a student who turns three years old in the fall may begin Part B services under the LEA at the beginning of the school year preceding the third birthday.
6. If the developmental delay is the result of a vision and/or hearing loss, including deafblindness, eligibility must be determined under that exceptionality if the student meets the eligibility criteria, rather than under the developmental delay exceptionality.
7. ***At the end of the school year during which the student reaches age six (which will change to age seven beginning July 1, 2023, and will change to age eight beginning July 1, 2024), or in cases where the student reaches age six (which will change to age seven beginning July 1, 2023, and will change to age eight beginning July 1, 2024) during the following summer, the student no longer meets the eligibility criteria for developmental delay; therefore, the IEP Team must follow procedures for reevaluation and reconvene the EC prior to the start of the following school year during which the student would begin at age six (which will change to age seven beginning July 1, 2023, and will change to age eight beginning July 1, 2024) to determine if the student meets eligibility under another exceptionality or will no longer be eligible for special education services.***
8. ***Initial eligibility under the category of developmental delay must be determined before the student's sixth birthday.***
9. ***Other disability categories should be considered if the EC can make a clear and conclusive determination under another category besides developmental delay.***
10. ***As is the case for all students with disabilities, students served under developmental delay are entitled to benefit from intervention and supports provided through an MTSS⁵ framework in addition to special education and related services, particularly if eligibility under SLD may be considered in the future; tiered intervention, intervention documentation, and frequent progress monitoring are critical for the determination of SLD⁶.***

”

⁵ Multi-Tiered System of Support

⁶ Specific Learning Disability

Performance of 1.5 or More Standard Deviations Below the Mean

Type of Score	Mean	Standard Deviation (SD)	1.5 or More SDs Below the Mean
Standard Score	100	15	78 or below
Scaled Score	10	3	6 or below
T Score	50	10	35 or below <i>(for assessments in which lower scores indicate lower skill/ability)</i>
			65 or above <i>(for assessments in which higher scores indicate more concerns/problems)</i>

Age Range Expansion

- “
 - *Effective July 1, 2023, the age range defined for developmental delay will be extended to include ages three through six.*
 - *Effective July 1, 2024, the age range defined for developmental delay will be extended to include ages three through seven.*”

- » The final age range expansion will occur on July 1, 2024, after which eligible students can continue to receive special education services under developmental delay through age seven (i.e., up to age eight).
- » Special Consideration 7 allows the student to receive special education services if needed until the end of the school year during which the student “ages out” of the developmental delay category.
- » Students eligible under developmental delay will require different levels of support in terms of special education and related services provided, as well as the frequency, duration, and intensity of those services. Therefore, IEPs should continue to address student-specific needs in the least restrictive environment (LRE), regardless of the student’s age.
- » Any related services for which the student qualifies (e.g., occupational therapy or speech/language therapy) may continue throughout the eligibility timeframe.

Certification and the Age Range Expansion

- » For students in **PRE-K**, special education services can be provided by:
 - › Special educators with a Preschool Special Needs endorsement (4120, 4121, 4122)
 - › Special educators with a Developmental Delay endorsement (4123)
- » For students in **KINDERGARTEN**, special education services can be provided by:
 - › Special educators with a Preschool Special Needs endorsement (4120, 4121, 4122)
 - › Special educators with a Developmental Delay endorsement (4123)
 - › Special educators with a Multi-Categorical (4115) endorsement
- » For students in **FIRST or SECOND GRADE**, special education services can be provided by:
 - › Special educators with a Developmental Delay endorsement (4123)
 - › Special educators with a Multi-Categorical (4115) endorsement

Beginning July 1, 2023, special educators with the following endorsement codes may apply for a temporary authorization which will allow them to both provide special education services to students eligible for developmental delay in kindergarten through second grade, and act as their case manager of record:

4100	4101	4102	4105	4106
4111	4112	4113	4116	4150

The temporary authorization shall expire at the end of an academic year and may be renewed as needed.

NOTE:

Special educators with a Multi-Categorical (4115) endorsement who are only certified to teach grades 5-AD may *not* serve students identified under developmental delay.

Further, special educators with only a Preschool Special Needs endorsement (4120, 4121, 4122, 4123, 4124) may not be the teacher of record of a regular kindergarten classroom.

Special Considerations 3 and 4

- 3** *For a student transitioning from a Part C early intervention program, an interagency transition plan must be developed to assure that by the time a student turns three years of age an IEP has been developed and implemented by the LEA.*
- 4** *For a student who turns three years old in the spring/summer, the LEA is responsible for implementation of the IEP services for students as of the third birthday.*
 - » The policy revision requires that an IEP be developed and removes the option to develop an IFSP.
 - » See WVBE Policy 2419 Chapter 2, Section 2.A; Chapter 5, Section 5.A-D; and Chapter 6, Section 1 for further information about students transitioning from Part C to Part B of IDEA.

Special Consideration 7

7

At the end of the school year during which the student reaches age six (which will change to age seven beginning July 1, 2023, and will change to age eight beginning July 1, 2024), or in cases where the student reaches age six (which will change to age seven beginning July 1, 2023, and will change to age eight beginning July 1, 2024) during the following summer, the student no longer meets the eligibility criteria for developmental delay; therefore, the IEP Team must follow procedures for reevaluation and reconvene the EC prior to the start of the following school year during which the student would begin at age six (which will change to age seven beginning July 1, 2023, and will change to age eight beginning July 1, 2024) to determine if the student meets eligibility under another exceptionality or will no longer be eligible for special education services.

- » The 2022 revision of WVBE Policy 2419 allows students to remain eligible under the developmental delay category until the end the school year during which they reach the maximum age allowable under the definition for a given year.
- » Students now only need reevaluated and their eligibility determined before their sixth birthday if that is the student's triennial reevaluation date.
- » At a minimum, students should be reevaluated, and their eligibility determined at:
 - › **A)** the established triennial reevaluation date, *and/or*
 - › **B)** within the last 45 days of the final school year during which the student could remain eligible under developmental delay, **whichever occurs first**.

A) If a student's triennial reevaluation date occurs during the final school year in which the student could remain eligible for developmental delay, EC/IEP Teams may use that evaluation data to:

- › **Continue the student's eligibility under developmental delay** for the remainder of the school year if the student still meets the eligibility criteria, and does not meet the criteria for another exceptionality.
- › **Continue the student's eligibility under another exceptionality** if that exceptionality better explains or more clearly describes the student's educational difficulties.
- › **Dismiss the student from special education** if the team agrees that evaluation data does not support the need for continued special education services.

B) If a student's triennial reevaluation date does **not** occur during the final school year in which the student could remain eligible:

- › The student should be comprehensively evaluated, and an EC meeting should be held, at minimum, **within the last 45 days of school** to determine whether the student shall be made eligible under another exceptionality or be dismissed from special education services at the end of the school year.

NOTE:

An IEP Team may request reevaluation if at any point it is suspected that the student may no longer need special education services, or that the student may qualify for special education under another exceptionality, regardless of the time of year.

Special Consideration 7: Eligibility and Evaluation Guidance by Timeframe

Timeframe	General Evaluation Guidance
<p>Nov. 14, 2022 – June 30, 2023</p>	<ul style="list-style-type: none"> › Eligibility ends at the conclusion of the school year (i.e., the last instructional day) that a student reaches age six (6); therefore, the student must be evaluated* before the end of the <i>current school year</i> to determine if the student meets eligibility under another exceptionality or will no longer be eligible for special education services when the next school year begins. › If a student would begin the <i>next</i> school year as a six-year-old due to a birthday that occurs at any point during the summer, that student must be reevaluated* before the end of the current school year to determine if the student meets eligibility under another exceptionality or will no longer be eligible for special education services when the next school year begins.
<p>July 1, 2023 – June 30, 2024</p>	<ul style="list-style-type: none"> › Eligibility ends at the conclusion of the school year (i.e., the last instructional day) that a student reaches age seven (7); therefore, the student must be evaluated* before the end of the <i>current school year</i> to determine if the student meets eligibility under another exceptionality or will no longer be eligible for special education services when the next school year begins. › If a student would begin the next school year as a seven-year-old due to a birthday that occurs at any point during the summer, that student must be reevaluated* before the end of the current school year to determine if the student meets eligibility under another exceptionality or will no longer be eligible for special education services when the next school year begins.
<p>Beginning July 1, 2024</p>	<ul style="list-style-type: none"> › Eligibility ends at the conclusion of the school year (i.e., the last instructional day) that a student reaches age eight (8); therefore, the student must be evaluated* before the end of the <i>current school year</i> to determine if the student meets eligibility under another exceptionality or will no longer be eligible for special education services when the next school year begins. › If a student would begin the next school year as an eight-year-old due to a birthday that occurs at any point during the summer, that student must be reevaluated* before the end of the current school year to determine if the student meets eligibility under another exceptionality or will no longer be eligible for special education services when the next school year begins.

* *Reevaluation and eligibility should occur either within the last 45 days of school, or at the student’s triennial reevaluation due date – whichever occurs first. Additional evaluation may be needed within the last 45 days of school to determine future eligibility status if the student’s triennial occurred near the start of the school year.*

NOTE:

Reevaluation of a student receiving special education services under the category of developmental delay should be *comprehensive*.

File reviews should not be used for continuing eligibility under developmental delay, determining eligibility under another exceptionality, or exiting a student from special education. See “Reevaluation Case Examples” on pages 24-26 for general guidelines regarding the reevaluation and eligibility process.

Special Consideration 8

8 *Initial eligibility under the category of developmental delay must be determined before the student's sixth birthday.*

- » Students who are six years of age or older **may not** be identified as having a developmental delay at an initial EC meeting.
- » Further, students who are eligible for special education under an exceptionality other than developmental delay **may not** be found eligible for developmental delay following a reevaluation if the student has already reached six years of age.

Special Consideration 9

9 *Other disability categories should be considered if the EC can make a clear and conclusive determination under another category besides developmental delay.*

- » Developmental delay should not be used as a means to provide related services to a student who does not clearly meet the established criteria for developmental delay.
- » Developmental delay should be used for students within the allowable age range who **do not** qualify under another disability category, but otherwise meet the criteria for developmental delay based on the results of a comprehensive evaluation.

NOTE:

Special Consideration 9 applies primarily to students ages six and above who are being reevaluated for continued eligibility under developmental delay.

Special Consideration 10

10 *As is the case for all students with disabilities, students served under developmental delay are entitled to benefit from intervention and supports provided through an MTSS framework in addition to special education and related services, particularly if eligibility under SLD may be considered in the future; tiered intervention, intervention documentation, and frequent progress monitoring are critical for the determination of SLD.*

- » Because students with disabilities are general education students first, they may also receive interventions and supports through an MTSS framework (e.g., West Virginia Tiered System of Support [WVTSS]).
- » When students who receive special education under the category of developmental delay are being considered for another exceptionality, it is important to understand that these students must still meet the specific disability criteria as outlined in WVBE Policy 2419. This is particularly critical for the disability categories of specific learning disability (SLD) and emotional disturbance, as these require a student to receive documented intervention and frequent progress monitoring to assess response to tiered academic or behavioral intervention before determining eligibility.

- » SLD identification involves careful consideration of the developmental sequences of reading, writing, and mathematics instruction, and recognition of the possible implications of identifying students as having an SLD before they are exposed to appropriate instruction, or of neglecting to consider all necessary exclusion factors. Risk of academic difficulty can certainly be detected as early as pre-k; **however**, in a broad sense, SLD identification in the grades of pre-k and kindergarten may be inappropriate. This is because students in pre-k and kindergarten may not have had sufficient instruction in these academic areas to determine if it is a valid learning disability (National Joint Committee on Learning Disabilities, 2007). The most effective way to remediate risk factors for SLD that may be present in pre-k and kindergarten is through early intervention services which are provided within a multi-tiered system of support. Therefore, it is imperative that students eligible under the developmental delay category continue to receive tiered intervention services.

Prereferral Considerations

Pre-K

While pre-k classrooms may not explicitly implement a multi-tiered system of support, many components of MTSS are already built into the policies that guide pre-k education. For example, pre-k educators already use universal screeners for social-emotional skills and behavior, progress monitoring, benchmarking, and differentiation based on the skill level of the student. When determining if a pre-k student may need special education services, information from screeners, progress monitoring, the Early Learning Reporting System, and developmental history can help eligibility teams determine whether the student needs special education services. See WVBE Policy 2525: *West Virginia's Universal Access to a Quality Early Education System* for additional information.

Kindergarten

Schools are encouraged to explore ways to meet the academic, behavioral, and mental health needs of all students within the context of general education using a multi-tiered system of support (e.g. WVTSS) prior to referring a student for multidisciplinary evaluation, particularly for students in kindergarten or above. Targeted and intensive intervention and supports within a multi-tiered framework are intended to supplement – not *supplant* - grade-level, universal instruction. Note that, even within the universal tier, students should have access to personalized methods of learning, such as differentiation and reteaching (West Virginia Department of Education, 2020).

In general, when providing targeted and intensive intervention for academics, behavior, or mental health at any grade level, school-based teams or intervention providers should keep documentation of the following:

- › Interventions provided
- › The frequency, intensity, and duration with which interventions were delivered
- › Intervention fidelity (i.e., evidence that intervention was delivered according to its design and methodology)
- › Progress monitoring data of relevant skills
- › School and intervention attendance

To be eligible for special education as a student with a developmental delay, WVBE Policy 2419 states the student must both exhibit characteristics consistent with the definition and need special education. To help substantiate the need for special education, school-based teams should ensure that students are provided intervention, supports, and accommodations that are possible through general education as a first response for struggling students. This should occur prior to or during the multidisciplinary evaluation process when appropriate, as lack of meaningful progress despite being provided evidence-based intervention can further support the need for specialized instruction. However, providing intervention is not a specific policy requirement for determining eligibility under developmental delay. Nevertheless, this information could be

used to support school-based teams in determining the student's least restrictive environment should the referred student be found eligible for special education services.

NOTE:

It is important to consider that if a student is suspected of having a disability, a request for multidisciplinary evaluation may be initiated at any time, regardless of whether or how long tiered interventions have occurred.

Last, school-based teams should take several factors into consideration when determining whether to refer a student for initial evaluation due to suspected developmental delay.

Factors to consider may include:

Medical information, including vision, hearing, and developmental history

- › Vision and hearing screenings should be considered, as problems with vision or hearing can impact aspects of everyday functioning.
- › If developmental milestones were met but problems have arisen only recently, these concerns may not be developmental in nature. Trauma, adverse childhood experiences, or significant family changes could be investigated as possible contributors.

Cultural considerations

- › A student's cultural background may influence the types and variety of early experiences and developmental expectations, which can vary from those associated with the mainstream culture.

Primary language

- › Teams should not view limited English proficiency as a developmental delay in communication if English is not the student's primary language. In such cases, the student's competence in the primary language, including receptive and expressive communication, may be assessed to determine whether possible deficits in communication may be attributed to a lack of exposure to the English language. Individuals with related expertise, such as English Learner (EL) teachers or coordinators, should be involved as appropriate. Speech-language pathologists should also be involved, as they can determine whether there is a language difference or a language disorder.

Exposure to developmentally appropriate activities

- › Investigate whether the student has had experience with or access to appropriate materials and activities that facilitate development in cognition, physical development, communication, social/emotional/affective development, and self-help skills (e.g., puzzles, crayons and paper, construction and sorting toys, books, park or playground experience, use of eating utensils).

Adequate opportunities to play, learn, and socialize with same-age peers and other adults

- › Children who have not had adequate opportunities to interact with other same-age peers or adults in childcare, daycare, preschool or other settings may have more difficulty acclimating to preschool or kindergarten environments.

Additional Information

For further information regarding WVTSS, problem solving, school-based teams, and other related information, visit: <https://wvde.us/west-virginia-tiered-system-of-support-wvtss/>

For more information on developmental milestones, see the related resources on the Centers for Disease Control and Prevention (CDC) website.

- › <https://www.cdc.gov/ncbddd/actearly/milestones/index.html#print>
- › https://www.cdc.gov/ncbddd/actearly/pdf/FULL-LIST-CDC-LTSAE-Checklists2021_Eng_FNL2_508.pdf

Comprehensive Evaluation

Although all areas of suspected disability should be evaluated, the examination of existing information, including data collected over the course of multi-tiered intervention and information gathered through the problem-solving process, is the starting point for selecting additional evaluation components needed to determine whether the student is eligible for special education.

A timely, comprehensive, multidisciplinary evaluation must be conducted to determine eligibility for special education and related services. The evaluation must be sufficiently comprehensive to identify all of the child's special education and related service needs. Collecting data through a variety of approaches and sources provides a thorough understanding of the child's strengths and areas of need. When all information is considered, a determination is made whether the child has a disability under WVBE Policy 2419, and an individualized program can be designed to meet the needs of the child. Further, the purpose of evaluation is not solely to determine eligibility for special education, but to also inform the provision of individualized instruction, regardless of the eligibility determination. **Evaluations must be completed according to the procedures and timelines for initial evaluations and reevaluations as stated in Chapter 3 of WVBE Policy 2419.**

NOTE:

See **Appendix C – Developmental Delay: Evaluation Checklist** for an optional checklist to use when planning or organizing a comprehensive evaluation for developmental delay.

See **Appendix E – Developmental Delay: Performance Profile** for an optional form to use for summarizing a student's developmental functioning and documenting how a student's delays adversely affect educational performance.

Multi-Method Assessment

To meet the requirements described in Chapter 3 of WVBE Policy 2419 regarding evaluation procedures and instruments, comprehensive evaluation should include information of various types that considers multiple domains of functioning, as well as data from multiple sources and settings.

Multiple Modalities

Comprehensive evaluation should include various methods of assessment. The following are examples of different assessment procedures often used in a comprehensive evaluation:

- » Record reviews (including medical, developmental, social, educational)
- » Anecdotal records
- » Interviews (structured and/or unstructured)
- » Standardized norm-referenced assessment
 - › *Direct*: One-to-one assessment of skills or abilities
 - › *Indirect*: Broad- and narrowband behavior rating scales completed by parents/guardians and teachers
- » Criterion-referenced assessment
- » Play-based assessment
- » Curriculum-based measures
- » Observations
- » Work samples

NOTE:

See **Appendix B – Developmental Delay: Observation Form** for an optional form to use when observing a student as part of a comprehensive evaluation.

Multiple Sources

Evaluation information should be gathered from multiple sources including, but not limited to:

- » Parents/guardians
- » Teachers/childcare providers
- » Community agencies (e.g., WV Birth to Three)
- » Medical providers
- » Mental health providers
- » The referred student

Multiple Domains

- » Because evaluations must be sufficiently comprehensive to identify all of the child's special education and related service needs, multiple domains and subdomains may need evaluated. For example, when **communication** or **physical development** are possible areas of concern, evaluators should consider both expressive and receptive language, or both fine motor and gross motor skills, respectively.
- » When using evaluation instruments that assess all five areas of development (e.g., Developmental Profile, Battelle Developmental Inventory), other data sources should be used to substantiate the test results (e.g., observations, interviews).

Multiple Settings

To provide the broadest depiction of the student's functioning, evaluation data should be representative of the student's performance across multiple contexts (e.g., structured and unstructured settings/activities; one-on-one, small group, and large group settings/activities; academic and nonacademic settings/activities).

NOTE:

No single score or instrument, direct or indirect, should be used as the sole source of information for eligibility determination.

Five Areas of Development

The five areas of development that are considered within the context of an evaluation for developmental delay include **cognition, physical development including gross motor and/or fine motor skills, communication, social/emotional/affective development, and self-help skills**. Each of these areas is described in more detail below.

Cognition

Cognition is a broad term that encompasses a variety of mental actions or processes, including attention, memory, knowledge, decision making, planning, reasoning, judgment, perception, comprehension, language, visuospatial function (Dhakar & Bobrin, 2022), problem-solving, abstract thinking, academic learning, and learning from experience (American Psychiatric Association, 2022).

Aspects of cognition can be assessed *directly* through one-to-one standardized administration of norm-referenced tests of intelligence, executive function, or academic learning, and *indirectly* using appropriate standardized, norm-referenced rating scales that measure these constructs. These are often completed by parents, caregivers, teachers, childcare providers, and sometimes the students themselves.

Physical Development (including Gross Motor and/or Fine Motor Skills)

Physical development may refer to coordination, movement, quality, strength, or endurance as related to gross motor, fine motor, or perceptual-motor skills.

Gross Motor Skills: Involves the use of large muscle groups of the neck, trunk, arms, and legs for movement. Examples include balance, coordination, muscle tone, sitting, standing, walking, running, jumping, lifting, catching, and kicking.

Fine Motor Skills: Involves the use of small muscle groups of the arms and hands to accomplish tasks. Examples include eating, drinking, dressing (e.g., zipping, buttoning), and writing.

Perceptual-Motor Skills: In relation to educational performance, perceptual-motor skills often refer to one's ability to convert what is seen to written form, such as reproducing a pattern from a sample, or tracing. However, many fine motor and gross motor skills are perceptual-motor in nature.

Communication

Communication is typically defined as the ability to use and understand language effectively. A global measure of language typically includes receptive and expressive language.

Receptive Language: The ability to understand language, whether spoken, written, or signed. Examples might include following simple directions, or correctly pointing to or retrieving objects when asked. Problems with receptive language can impact reading comprehension, social skills and behavior, and expressive language.

Expressive Language: The ability to use sounds, words, sentences, gestures, and writing to convey meaning to others. Examples might include asking and answering questions, or naming objects.

Social/Emotional/Affective Development

Social/emotional/affective development generally includes skills such as the ability to interact appropriately with other peers and adults, form positive social relationships, follow rules, help others, recognize emotions in oneself and others, regulate emotion and behavior, and react appropriately to sensory experiences, all in an age-appropriate manner. These skills can sometimes be assessed directly via specific norm-referenced tests; however, they are most often evaluated using appropriate standardized, norm-referenced rating scales that are typically completed by parents, caregivers, teachers, and childcare providers. Additional methods of assessment can include parent and teacher interviews, and direct observation of the child in home or school environments.

Self-Help Skills

Self-help skills, often referred to as adaptive skills, reflect the skills necessary to independently cope with and adapt to the natural demands of home, school, and community environments. These skills can be assessed through appropriate standardized, norm-referenced rating scales that are often completed by parents, caregivers, teachers, and childcare providers. Additional methods of assessment can include parent and teacher interviews, and direct observation of the child in home or school environments. Examples of self-help skills include communication, self-direction, functional academic/pre-academic skills, social skills, leisure, self-care, health and safety, school/home living, and community use.

NOTE:

See Appendix A – Developmental Delay: Assessment List for a list of various standardized evaluation instruments that may be used to assess the five areas of development as part of a comprehensive evaluation.

Eligibility

Consistent with Special Consideration 8, students must be initially identified under developmental delay before age six. Therefore, initial eligibilities will occur only for students ages three through five, and only reevaluations will occur for students ages six and above who were already previously identified under developmental delay. Students ages six and above with an IEP for developmental delay who transfer from out-of-state may continue eligibility under that category if needed until the age limit is reached. See WVBE Policy 2419 Chapter 5, Section 4.B for more information on out-of-state transfers.

Initial Eligibility Considerations: Ages 3-5

When evaluating students between the ages of three and five, evaluators should employ a variety of assessment instruments. Using direct, norm-referenced assessment tools is typically considered to be a more reliable source of information concerning estimates of student ability, but it is understood that with this age group, indirect assessment and direct, criterion-referenced assessment tools are more commonly used. While the choice to use rate of development calculations to determine the percent of delay is still allowed, the revised definition provides evaluators and eligibility committees the option to use standardized scores to determine delays. This increases flexibility of assessment by broadening the number and type of tests that may be used as part of a comprehensive evaluation. When determining the appropriate assessment tools, evaluators need to use their professional judgment based upon the needs of the individual student.

A comprehensive initial evaluation to determine if a student meets the criteria for developmental delay for students ages three through five should include assessment of all developmental areas. While it is both common and acceptable to use tests that measure all five areas of development, additional information must also be gathered by the team from multiple sources including other assessment instruments, family members, service providers (e.g., WV Birth to Three, childcare providers), and observations (*Refer to the “Multi-Method Assessment” section on page 17*). The individuals conducting evaluations must be knowledgeable in early childhood and the area of developmental delay, and be trained in the use of the evaluation instrument.

NOTE:

See **Appendix D – Developmental Delay: Rate of Development Calculation Form** for guidance regarding the calculation of a student’s rate of development in each of the five areas.

Reevaluation Considerations: Ages 6 and Above

Evaluators should consider composite scores when determining a delay of 1.5 or more standard deviations from the mean on standardized evaluation instruments. *Cluster or composite* scores measuring related aspects of a single construct (e.g., a *communication* composite consisting of subtests measuring both receptive and expressive language, or a *self-help skills* composite comprised of three scales measuring the skill areas of self-care, health and safety, and school living) tend to produce estimates that are more reliable, and often lead to more coherent and defensible decisions than would be achieved using only subtest or skill area scores.

If a composite score is not available for a particular developmental area – for example, on a norm-referenced rating scale – evaluators may consider both parent and teacher ratings on a related scale to determine whether ratings of the student in home and school settings are both 1.5 or more standard deviations from the mean to assist in determining a delay. When using rating scales, evaluators should obtain ratings from two or more respondents familiar with the student in different environments. Results from the rating scales should be corroborated through other methods of direct assessment, such as observation or testing. If ratings of student performance between respondents are inconsistent in severity, professional judgment should be used to follow up with one or more respondents for clarification or to correct any misconceptions. Consult the examiner’s manual of the specific assessment tool for further information on interpreting and addressing significant discrepancies between raters, and for information on obtaining valid responses from raters.

If a student has been evaluated, meets the criteria for developmental delay, and needs special education services, then an IEP should be developed based on the unique and individual needs of the student. The student’s IEP should be developed for and implemented within the LRE.

The table below lists some common evaluation instruments and composites that may align with each of the five developmental areas. The list is not intended to be exhaustive.

Examples of Composite Scores for the Five Developmental Areas

Developmental Area	Evaluation Instrument	Example Composite(s)
Cognition	Wechsler Preschool and Primary Scale of Intelligence, 4 th Ed. (WPPSI-IV)	<ul style="list-style-type: none"> » Full-Scale IQ » General Ability Index
	Woodcock-Johnson IV Tests of Early Cognitive and Academic Development (WJ IV ECAD)	<ul style="list-style-type: none"> » General Intellectual Ability-Early Development
	Behavior Rating Inventory of Executive Function, 2 nd Ed. (BRIEF2)	<ul style="list-style-type: none"> » Cognitive Regulation Index » Global Executive Composite
Physical Development (including Gross and Fine Motor)	Bruininks-Oseretsky Test of Motor Proficiency, 2 nd Ed. (BOT-2)	<ul style="list-style-type: none"> » Total Motor Composite » Gross Motor Composite » Fine Motor Composite
	Bayley Scales of Infant and Toddler Development, 4 th Ed. (Bayley-4)	<ul style="list-style-type: none"> » Motor
	Feifer Assessment of Writing (FAW)	<ul style="list-style-type: none"> » Graphomotor Index
Communication	Comprehensive Assessment of Spoken Language, 2 nd Ed. (CASL-2)	<ul style="list-style-type: none"> » General Language Ability Index » Receptive Language Index » Expressive Language Index
	Clinical Evaluation of Language Fundamentals, 5 th Ed. (CELF-5)	<ul style="list-style-type: none"> » Core Language Score » Receptive Language Index » Expressive Language Index
	Test of Language Development-Primary, 5 th Ed. (TOLD:P-5)	<ul style="list-style-type: none"> » Overall Language Ability » Listening, Organizing, and Speaking
Social/Emotional/Affective Development	Social Skills Improvement System – Social-Emotional Learning Edition (SSIS SEL)	<ul style="list-style-type: none"> » SEL Composite » Core Skills
	Behavior Assessment System for Children, 3 rd Ed. (BASC-3)	<ul style="list-style-type: none"> » Internalizing Problems Index » Behavioral Symptoms Index » Social Skills (Parent and Teacher)
	Revised Children's Manifest Anxiety Scale, 2 nd Ed. (RCMAS-2)	<ul style="list-style-type: none"> » Total Anxiety Score
Self-Help Skills	Adaptive Behavior Assessment System, 2 nd Ed. (ABAS-3)	<ul style="list-style-type: none"> » General Adaptive Composite » Practical (domain)
	Vineland Adaptive Behavior Scales, 3 rd Ed. (Vineland-3)	<ul style="list-style-type: none"> » Adaptive Behavior Composite » Daily Living Skills
	Conners Early Childhood (Conners EC)	<ul style="list-style-type: none"> » Adaptive Skills (Parent and Teacher)

NOTE:

Regardless of age, or whether the evaluation is an initial or a reevaluation, test scores or composites that suggest a delay consistent with the definition (i.e., at or below 75 percent of the normal rate of development, or 1.5 SDs or more below the mean) should be validated with other sources of information, such as classroom performance, work samples, observations, interviews, or other evaluation instruments or procedures. If there are questions regarding assessment, please contact your LEA's school psychologist.

Reevaluation

Students must continue to demonstrate characteristics consistent with the definition of developmental delay as determined by a comprehensive reevaluation to remain eligible under this exceptionality. It should not be assumed that students automatically continue to receive special education and related services under the developmental delay exceptionality until the maximum allowable age. The intention of the age range expansion is to provide additional time for IEP teams to collect adequate information to determine, when appropriate, whether a student no longer needs special education or should be identified under another exceptionality. See the table “**Special Consideration # 7: Eligibility and Evaluation Guidance by Timeframe**” on page 13 for an overview of reevaluation guidance as it relates to the age range expansion.

Possible times to consider conducting a reevaluation include:

- » Triennial reevaluation
- » Within 45 days of the end of the school year during which:
 - › the student will have reached the maximum allowable age, or
 - › the student will begin the next school year at the maximum allowable age
- » Review of student data at an annual IEP meeting
- » Any time the IEP team has enough information to suspect a new exceptionality or that the student no longer needs special education services

NOTE:

Because extended school year (ESY) services are based on the preceding school year, IEP Teams may consider ESY services for a student who receives special education services under developmental delay, even if the student will not be eligible under another exceptionality when the next school year begins. If ESY services are determined necessary by the IEP Team, include this information in the prior written notice accompanying the exiting paperwork, along with other data used to support exiting the student from special education. See Chapter 5, Section 2.H of WVBE Policy 2419 for further information.

Following Reevaluation

If a student’s eligibility is continued under another exceptionality:

- » Follow the procedures normally conducted when a student’s primary exceptionality changes after reevaluation.

WVEIS Entry Guidance

- » Enter the student’s reevaluation date information and new eligibility category.
- » DD (developmental delay) would be entered as a status code 60 (*IEP cycle/eligibility change, services continuing*) if the eligibility category is changing.
- » For example, if a student will exit developmental delay and begin receiving services under other health impairment, it would be coded as follows:
 - › DD – status code 60 (*IEP cycle/eligibility change, services continuing*) with an end date
 - › OH – status code 30 (*in program, receiving services*)
- » If a student’s primary eligibility was developmental delay and the student received speech as a related service but will continue receiving special education under the primary category of speech or language impairment, it would be coded as follows:
 - › DD – status code 60 (*IEP cycle/eligibility change, services continuing*) with an end date
 - › RL – status code 99 (*exiting related/supplementary/ESY service*) with an end date
 - › CD – status code 30 (*in program, receiving services*)

If a student is exited from special education services:

- » Follow the procedures normally conducted when a student's evaluation data no longer support the need for continued special education services.

WVEIS Entry Guidance

- » Enter the student's reevaluation date information and exit from special education. This would be coded as follows:
 - › DD – status code 35 (*no longer receives special education services*) with an end date

If a student's eligibility for developmental delay is continued until the end of the school year, but will be exited from special education prior to the start of the next school year:

- » At the bottom of the Prior Written Notice (PWN) under "Other factors relevant to the LEA's __ proposal or __ refusal include:" provide a statement explaining that the student will no longer be eligible for special education services under developmental delay after the last instructional day of the school year due to age limitations and will be exited from special education at the end of the school year. This should be indicated on the PWNs from both the EC meeting and the student's updated IEP.

WVEIS Entry Guidance

- » Prior to the End of Year (EOY) collection, enter the following information into WVEIS for this student:
 - › DD – status code 35 (*no longer receives special education services*)
- » Record the end date as the day **after** the last instructional day of the school year.

NOTE:

LEAs may need to develop a system to keep track of students who will continue eligibility under developmental delay until the end of a school year, but will need exited after the last instructional day of the school year.

If a student's eligibility for developmental delay is continued until the end of the school year, but the student will continue receiving services under the primary category of speech or language impairment the following school year:

- » Follow the procedures normally conducted when a student's eligibility continues under the same exceptionality after reevaluation.
- » As soon as possible after the last instructional day but no later than the day **before** the first instructional day of the following school year, an EC meeting should be held, and the student's eligibility paperwork and subsequent IEP should reflect speech or language impairment as the primary exceptionality. A review of records may be appropriate for continued eligibility under speech or language impairment if related evaluations were conducted recently.

WVEIS Entry Guidance

- » Following the reevaluation, enter the following information in WVEIS for this student:
 - › DD – status code 30 (*in program, receiving services*)
- » Following the EC meeting held after the last instructional day before July 1 in which the student's primary exceptionality was changed to speech or language impairment, enter the following information in WVEIS for this student:
 - › DD – status code 60 (*IEP cycle/eligibility change, services continuing*) with an end date
 - › RL – status code 99 (*exiting related/supplementary/ESY service*) with an end date
 - › CD – status code 30 (*in program, receiving services*)

Reevaluation Case Examples

Because each student's strengths and needs are unique, and triennial reevaluation dates have the potential to occur at any point during the school year, examples cannot be provided for all possible reevaluation scenarios. Professional judgment may be required in certain situations based on individual evaluation timelines and student evaluation data. That said, the following case examples are offered to serve as general guidelines for navigating the reevaluation and eligibility process.

Case Example # 1 – Continuing under Developmental Delay until End of School Year

- » Mary is a first-grade student who will turn seven in January 2025, but her triennial evaluation is not due until September 2025. Mary initially met the criteria for developmental delay because she was below 75 percent of the normal rate of development in the areas of **social/emotional/affective development** and **cognition**. She made a great deal of progress in both areas since receiving special education services and tiered intervention through her school's multi-tiered system of support (WVTSS). Mary's IEP team will need to hold an eligibility meeting before the end of the 2024-2025 school year to determine if Mary meets the criteria for any other exceptionality. Since it is best practice for the EC to determine whether Mary meets the criteria for another exceptionality within the last 45 days of school before she ages out of developmental delay, the team obtained consent for a comprehensive evaluation in February 2025. A comprehensive evaluation was completed, and an eligibility meeting was held in April 2025. While Mary still had delays in the areas of **cognition** and **social/emotional/affective development**, she did not clearly meet the criteria for any other eligibility category. As such, the team decided that Mary would still benefit from the services she receives under the developmental delay for the remainder of the school year. The team indicated in the Prior Written Notice (PWN) and on the IEP that Mary continues to be eligible for services under developmental delay until the day following the last instructional day of the school year. Mary will no longer be eligible for special education services when she begins first grade, but she will continue to receive support through WVTSS.

Case Example # 2 – Early Triennial Reevaluation with Borderline Evaluation Results

- » Andrea, a seven-year-old, reaches the maximum allowable age of eight under developmental delay in February of the 2024-2025 school year. Her triennial evaluation was due in November 2024, and she received a comprehensive evaluation in October 2024. She obtained an overall score of 71 on her cognitive assessment, and results of parent and teacher adaptive behavior rating forms suggested composite and domain scores of 80 or higher; however, some individual skill areas received scaled scores of 6 or lower. She obtained *T* scores of 35 and 30 in Social-Emotional Skills according to parent and teacher ratings on a broadband behavior rating scale. Because she can remain eligible for developmental delay until the end of the school year, the EC continued her eligibility as she obtained scores 1.5 or more standard deviations below the mean in the areas of **cognition** and **social/emotional/affective development**, and the committee determined she still needed special education. Because of the borderline evaluation results, her IEP Team requested a reevaluation of *only* adaptive behavior within the last nine weeks of school to determine whether she may be eligible under the category of intellectual disability, or be fully dismissed from special education at the end of the school year and receive supports exclusively through WVTSS when she began school again in the fall. The EC met again briefly at the end of the year to review results of the most recent adaptive behavior assessment, which the team agreed supported the need for continued special education services under the category of intellectual disability. Andrea would now begin the next school year with an IEP written to address her needs under the new category of intellectual disability.

Reevaluation Case Examples (continued)

Case Example # 3 – Continuing Eligibility Under Another Category (A)

- » Carlos is a seven-year-old student in the second grade, and reaches the maximum allowable age of eight under developmental delay in March of the 2024-2025 school year. He has been receiving special education services under the category of developmental delay since he was three years old, and his first triennial evaluation occurred when he was six years old. Carlos did not clearly meet the eligibility criteria for any other exceptionality at that time, but he continued to meet the criteria for developmental delay because his scores in both **cognition** and **communication** were more than 1.5 standard deviations below the mean. The team decided to continue his eligibility under developmental delay and ensure that he was receiving tiered interventions through the school's WVTSS. Because Carlos ages out of the developmental delay category at the end of the 2024-2025 school year, the team conducted another comprehensive evaluation and held an eligibility meeting in March 2025 before his eighth birthday. At this eligibility meeting, the team reviewed progress monitoring data from the tiered interventions as well as data from his special education services. Carlos made some progress with the combination of targeted interventions and special education services throughout his first-grade year. But during second grade in 2024-2025, he struggled significantly despite being provided targeted and intensive interventions, and special education services throughout the year. Weekly progress monitoring using a gap analysis showed that Carlos was not making sufficient progress within WVTSS and consistently had a gap greater than 2.0. His psychoeducational evaluation also showed that he had a pattern of strengths and weaknesses within his cognitive and academic profile relevant to the identification of an SLD. The team ruled out all exclusionary factors including visual, hearing, or motor disabilities; intellectual disability; emotional disturbance; cultural factors; environmental or economic disadvantage; limited English proficiency; and lack of appropriate instruction in reading and/or mathematics. The team decided that Carlos was eligible to receive special education services under the category of SLD.

Case Example # 4 – Continuing Eligibility Under Another Category (B)

- » Nick, a six-year-old, reaches the maximum allowable age of seven under developmental delay in March of the 2023-2024 school year. His triennial evaluation was due in January before his birthday, and he received a comprehensive evaluation in December 2023. He obtained an overall score of 78 on his cognitive assessment, and results of parent and teacher adaptive behavior rating forms suggested significant deficits in social skills, communication, health and safety, and self-care skills. Nick's mother also provided his IEP Team with documentation from his pediatrician indicating Nick had been diagnosed with autism spectrum disorder in October 2023. Taking this into consideration, the multidisciplinary team also included autism rating scales and formal language assessment as part of the evaluation. Parent and teacher ratings resulted in *T* scores above 65 in the areas of communication, social skills, stereotypy, restricted interests, inflexibility, and hypersensitivity to environmental stimuli. These ratings were corroborated with observations by the school psychologist. Language assessment also supported problems with pragmatics. The EC determined that, although Nick met the criteria for both autism and developmental delay, he would continue his eligibility for special education services under the primary exceptionality of autism. This decision was made because the category of autism more clearly described Nick's difficulties.

Reevaluation Case Examples (continued)

Case Example # 5 – Continuing Eligibility Under Another Category (C)

- » Isabella initially qualified for developmental delay due to delays of 1.5 standard deviations or more in the two areas of **communication** and **social/emotional/affective development** based on her performance on standardized evaluation instruments. The evaluation results were corroborated by classroom observations, teacher interviews, and parent reports. Her difficulties with speech and language were interfering with her ability to communicate her wants and needs, participate in classroom activities, interact appropriately with adults, and establish and maintain peer relationships. Isabella’s needs were such that the EC determined she required special education. After a year of receiving speech-language therapy and social skills instruction, Isabella's interpersonal skills improved significantly. However, while her speech sound production had improved at the word level, sounds were still in error in connected speech. This continued to affect the intelligibility of her speech, resulting in a negative social-communicative impact. Because of her noticeable improvement in the social-emotional domain, however, her IEP Team decided to comprehensively reevaluate Isabella to determine whether she still needed special education services under developmental delay. Observations and behavior rating scales completed by her mother and teacher suggested average levels of social and behavioral performance - a marked improvement compared to her previous evaluation, although her speech and language assessment results suggested a continued need for speech-language therapy. She was dismissed from the category of developmental delay at her EC meeting because she no longer demonstrated delays in **social/emotional/affective development**, but she remained eligible for special education services under the primary category of speech or language impairment to address her significant articulation errors impacting her education.

NOTE:

The eligibility criteria for determining deficits in communication vary between the developmental delay and speech and language impairment exceptionalities. Please see Chapter 4 of WVBE Policy 2419 for the complete definitions and eligibility criteria of each exceptionality.

Case Example # 6 – Exiting Special Education

- » Joel is a five-year-old pre-k student who turns six in May 2024. When he was two years old, he was removed from his home due to neglect and placed with relatives who sought therapy services from WV Birth to Three. He initially qualified for special education services under developmental delay at age three because he was below 75 percent of the normal rate of development in the areas of **social/emotional/affective development**, **cognition**, and **self-help skills** as measured by a comprehensive developmental assessment and supported by observations and interviews. Over the past three years, Joel’s social, cognitive, and adaptive skills saw enormous gains likely due to family and home stability, and intensive special education services. Joel was reevaluated in April 2024, and his eligibility committee meeting was held prior to his sixth birthday in May 2024. Data from the evaluation suggested Joel had significantly improved across all areas of development to such a degree that he no longer met the criteria for developmental delay or any other eligibility category. Although he still performed somewhat below average in certain areas assessed, the team was confident that his needs could be sufficiently addressed through a multi-tiered system of support in kindergarten.

Glossary

Accommodations. Accommodations are considerations that are given so that a student may access the general education curriculum. Accommodations do not change the content and are not considered interventions.

Consent. As defined by IDEA 2004, parental consent or informed written consent. Parent/adult student is fully informed regarding the actions by the LEA for which consent is being requested.

Duration. Duration refers to the length (number of minutes) of an intervention session.

Educational performance. A student's functioning or performance relative to age/grade performance in programs of study, basic communication skills, social interaction, and emotional development within the school and/or community environments.

Evaluation. Procedures used in accordance with the protection in evaluation requirements of IDEA 2004 to determine whether a student is exceptional and the nature and extent of the special education and related services that the student needs. The term means procedures used selectively with an individual student, and do not include basic tests administered to or procedures used with all students in a school, grade, or class.

Evidenced-based intervention. An evidenced-based instructional practice or an evidence-based program/intervention is established as being effective through scientific research that conforms to some set of explicit criteria and has been replicated by different research teams.

Extended school year services. Special education and related services that are provided to a student with a disability beyond the normal school year of the LEA, in accordance with the student's IEP, and at no cost to the parents of the student; and that meet the standards of the state educational agency.

Frequency. Frequency refers to how often an intervention occurs.

General education. An educational program designed to meet the needs of all students in Pre-K, early childhood, middle childhood, adolescent, or adult education. Instruction in the general curriculum with any necessary accommodation may include co-taught classrooms, community-based instruction, or vocational instruction.

Individualized Education Program (IEP). A written plan for an eligible student with an exceptionality that is developed, reviewed, and revised in accordance with WVBE Policy 2419 and IDEA 2004.

Individualized Education Program Team or IEP Team. A group of individuals described in regulations that is responsible for developing, reviewing, or revising an IEP for an eligible student with an exceptionality.

Individuals with Disabilities Education Improvement Act of 2004 (IDEA). Federal law that makes available a free appropriate public education to eligible children with disabilities throughout the nation and ensures special education and related services to those children.

Instructional Day. Time allocated within the school day for the teaching and mastery of content standards as specified in WVBE Policy 2510.

Intensity. Intensity refers to the adjustment of duration, length, and teacher-to-student ratio to address a child's academic or behavioral needs.

Intensive instruction/services/supports. Intensive instruction, services, or supports are academic, behavioral, and/or mental health support characterized by increased length, frequency, and duration of implementation for students who struggle significantly. This support relates directly to an area of need; is supplemental to and is different from universal and targeted instruction/services/supports; is usually implemented individually or in very small group settings; and may be individualized.

Least restrictive environment (LRE). The educational placement which provides the services/conditions necessary to meet the unique educational and behavioral needs of the student, while providing the student with integration to the maximum extent appropriate with peers without exceptionalities.

Local Educational Agency (LEA). West Virginia county boards of education, schools and facilities under the supervision of the WVBE, and charter public schools acting as their own LEA or under the supervision of a LEA. These agencies are legally constituted within a state for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, LEA, or other political subdivision of a state, or for a combination of school LEAs or counties as are recognized in a state as an administrative agency for its public elementary or secondary schools.

Multidisciplinary evaluation. Comprehensive procedures used to determine whether a student is exceptional and the nature and extent of the student's needs. The term means procedures that are conducted by a team of individuals representing a variety of disciplines. These procedures are used selectively with an individual student and do not include basic tests administered to or procedures used with all students in a school, grade, or class.

Multi-tiered system of supports (MTSS). A tiered framework that promotes a well-integrated system connecting general, supplemental, gifted, and special education to provide high quality standards-based instruction, interventions and challenges that are matched to students' academic, social-emotional, and behavioral needs.

Normal rate or level of development. Average rate or level of developmental functioning as exhibited by students of the same chronological age. Rates or levels of development are indicated by age-equivalency measures such as developmental age, mental age, developmental quotient, intelligence quotient, standard scores, and percentile, and are dependent upon the type of evaluation instrument used.

Occupational therapy. Services provided by a qualified occupational therapist, which include: improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation; improving ability to perform tasks for independent functioning if functions are impaired or lost; and preventing, through early intervention, initial or further impairment or loss of function.

Part B of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA). Requires that states ensure students with disabilities aged three through 21 are provided a free appropriate public education (FAPE). Part B services are overseen by the WVDE and implemented by the LEAs. Educational services under Part B are designed and provided through the Individualized Education Program (IEP) process.

Part C of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA). Requires that states have a statewide comprehensive coordinated interagency system of services for infants and toddlers with disabilities from birth through age two. Under Part C, the governor designates a lead agency to implement Part C in the state. In West Virginia, the lead agency is the West Virginia Department of Health and Human Resources (WVDHHR). Services under Part C are designed and delivered through an Individualized Family Service Plan.

Physical therapy. Services provided by a qualified physical therapist.

Prior written notice (PWN). A written notice to inform a parent/adult student of the LEA's proposal or refusal to initiate or change the student's identification, evaluation, educational placement, or provision of a FAPE. The notice must be provided to the parent/adult student within a reasonable amount of time prior to implementing the proposed action/refusal, deemed to be five days in West Virginia.

Problem-solving process. The problem-solving process assumes that no type of instruction will be effective for all students; generally, has five stages (problem identification, problem analysis, plan development, plan implementation, and plan evaluation); is sensitive to individual student differences; depends on the integrity of implementing levels of intensive instruction.

Progress monitoring. Progress monitoring is an ongoing process that involves collecting and analyzing data to determine student progress towards specific skills or general outcomes. Progress monitoring generates useful data for making instructional decisions or needed interventions, based on the review and analysis of student data. Monitoring student progress, through collection and analysis of data, is an effective way to determine if the instruction and/or interventions are delivered and meeting the needs of the student.

Related services. Transportation and such developmental, corrective, and other supportive services as are required to assist an eligible student with an exceptionality to benefit from special education. The term includes, but is not limited to, assistive technology, audiology, interpreting services, speech and language pathology, psychological services, physical and occupational therapy, clean intermittent catheterization (CIC), recreation, including therapeutic recreation, counseling services, including rehabilitation counseling, orientation and mobility services, social work services in schools, school health services and school nurse services, early identification and evaluation of disabling conditions in students, medical services for diagnostic or evaluative purposes only and parent counseling and training. Related services do not include a medical device that is surgically implanted, the optimization of that device's functioning (e.g., mapping), maintenance of that device, or the replacement of that device.

School psychologist. Experts who consult with teachers and parents to provide coordinated services and supports for students struggling with learning disabilities, emotional and behavioral problems, and those experiencing mental health problems. They often serve as evaluators on multidisciplinary evaluation teams.

Special education services. Specially designed instruction, at no cost to parents, to meet the unique educational needs of an eligible student with an exceptionality, including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings.

Speech-language pathologist (SLP). Experts in communication disorders, including speech sound disorders, language, social communication disorders, voice, fluency, cognitive communication, feeding and swallowing, literacy, and augmentative and alternative communication.

Standard deviation (SD). A statistic used to express the distance on the average of scores from the mean of the distribution. The standard deviation shows the variability of a series or group of scores or numbers.

Standard error of measurement (SEM). A statistic that estimates the variation around a "true" score for an individual when repeated measures are taken.

Standardized score. Scores that allow for the comparisons of raw scores that come from very different sources and make it possible to compare different individuals' performances with each other or an individual's performance on one test with his or her performance on another test.

Targeted instruction/services/supports. Targeted instruction, services, and supports relate directly to an area of need. This type of support is supplementary to universal instruction services and is often implemented in small group settings.

Universal instruction/services/supports. Universal instruction, services, and supports are provided to all students in the classroom and school. This type of support is preventive and proactive; and is implemented school-wide or by whole classrooms. Universal supports may be research-based but are not necessarily prescriptive. Differentiated instruction is provided within universal instruction.

West Virginia Education Information System (WVEIS). A dedicated state-wide computer network with an integrated record system for all student, personnel, and financial information.

West Virginia Tiered System of Support (WVTSS). A framework which suggests flexible use of resources to provide relevant and appropriate academic, behavioral, and mental health support to enhance learning for all students.

WVEIS. See *West Virginia Education Information System*

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Appendices

Appendix A – Developmental Delay: Assessment List

A list of common standardized, norm-referenced assessments that may be used within the context of special education evaluations for developmental delay.

Appendix B – Developmental Delay: Observation Form

An optional observation form for professionals to use when observing a student as part of a comprehensive evaluation for developmental delay.

Appendix C – Developmental Delay: Evaluation Checklist

An optional checklist for evaluators to use when planning or organizing a comprehensive evaluation for developmental delay.

Appendix D – Developmental Delay: Rate of Development Calculation Form

A form containing guidance for calculating of a student's rate of development in each of the five areas.

Appendix E – Developmental Delay: Performance Profile

An optional form for evaluators or eligibility committees to use for summarizing a student's developmental functioning, and documenting how a student's delays adversely affect educational performance.

Clarification of Revisions

Measurement of Delay

“ **Definition:** *Developmental delays occur in students, ages three through five, who are functioning at, or lower than, 75 percent of the normal rate of development, or who perform 1.5 standard deviations or more below the mean in consideration of 1.0 standard error of measurement on a standardized evaluation instrument, in two or more of the following areas:*

1. **cognition;**
 2. **physical development including gross motor and/or fine motor skills;**
 3. **communication;**
 4. **social/emotional/affective development; and/or**
 5. **self-help skills.**
- ”

- » The Individuals with Disabilities Education Act 2004 (IDEA) specifies the areas of developmental delay (i.e., cognitive, physical, communication, social/emotional, and adaptive), but allows states to define the way delays are measured, as well as the thresholds or cut-off points which constitute a delay.
- » This revision does not remove the use of rate of development calculations, but it allows eligibility committees (EC) to use standardized scores to determine a delay when appropriate. **Only one method should be used when determining eligibility** (i.e., two areas at or below 75% of the normal rate of development determined by using age equivalent scores, **or** two areas 1.5 standard deviations or more below the mean on a standardized evaluation instrument using standardized scores). Documentation should clearly reflect the method used.
- » This increased flexibility of measurement allows for the possible use of a variety of evaluation instruments that may not provide age equivalent scores, but that describe performance in terms of standard scores, scaled scores, or *T* scores (e.g., cognitive assessments, achievement tests, speech and language assessments, norm-referenced behavior rating scales).

Using Standardized Scores

- » Standardized scores provide a more precise representation of an individual’s ability or skill compared to age equivalents because they are based on both the mean at a given age level and the distribution of scores. Standardized scores can also be arithmetically transformed (e.g., added, subtracted, averaged) and summarized; however, because age and grade equivalents are not an interval or ratio scale of measurement, mathematical transformations of these values are less meaningful (“Interpretation Problems of Age and Grade Equivalents,” n.d.).
- » Age and grade equivalents can provide some insight regarding how many items were answered or performed correctly, but they do not necessarily reflect an individual’s overall level of performance relative to same-age or same-grade peers (“WJ IV- Age and Grade Equivalents vs. Standard Scores and Percentile Ranks: Self-Help Portal,” 2022).
- » See the table “**Performance of 1.5 or More Standard Deviations Below the Mean**” on the following page for guidance regarding standardized scores.

Appendix A – Developmental Delay: Assessment List

The tables below list common standardized, norm-referenced assessments that may be used within the context of special education evaluations for developmental delay. The list is not intended to be exhaustive. Practitioners and Local Educational Agencies (LEAs) should select assessments based on technical adequacy and specific populations with which the tests will be used. The assessment list tables provide the test name, age/grade range, and the developmental domain(s) assessed.

Developmental Area Legend

COG = Cognition	COM = Communication
PD-G = Physical Development (Gross Motor Skills)	SEA = Social/Emotional/Affective Development
PD-F = Physical Development (Fine Motor Skills)	SHS = Self-Help Skills

Note: * = Direct Assessment

Multiple Domains (often assessed by Special Educators or School Psychologists)

Test Name	Age/Grade Range	Developmental Area(s) Assessed
*Battelle Developmental Inventory, 3rd Ed. (BDI-3)	Ages Birth – 7:8	COG, COM, PD-G, PD-F, SEA, SHS
*Bayley Scales of Infant and Toddler Development, 4th Ed. (Bayley-4)	Ages 16 days - 42 months	COG, PD-G, PD-F, COM, SEA, SHS
Conners Early Childhood (Conners EC)	Ages 2 - 6	COG, COM, PD-G, PD-F, SEA, SHS
*Developmental Assessment of Young Children, 2nd Ed. (DAYC-2)	Ages Birth – 5:11	COG, PD-G, PD-F, COM, SEA, SHS
Developmental Profile, 4th Ed. (DP-4)	Ages Birth – 21:11	COG, PD-G, PD-F, COM, SEA, SHS

Cognition (often assessed by School Psychologists)

Test Name	Age/Grade Range
*Batería IV Woodcock-Munoz: Pruebas de habilidades cognitivas (Batería IV)	Ages 2 - 90+
Behavior Rating Inventory of Executive Function, 2nd Ed. (BRIEF-2) - <i>Cognitive Regulation Index or Global Executive Composite</i>	Ages 5 - 18
Brown Executive Function/Attention Scales (Brown EF/A Scales)	Ages 3 - 19+
Comprehensive Executive Function Inventory (CEFI)	Ages 5 - 18
*Cognitive Assessment System, 2nd Ed. (CAS-2)	Ages 4 - 18
*Comprehensive Test of Nonverbal Intelligence, 2nd Ed. (CTONI-2)	Ages 6:0 - 89:11



Cognition (continued)

Test Name	Age/Grade Range
*Differential Ability Scales, 2nd Ed. (DAS-2)	Ages 2:6 - 17:11
*Kaufman Assessment Battery for Children, 2nd Ed. Normative Update (KABC-II NU) <i>*Correct responses in other languages are given credit</i>	Ages 3 - 18
Primary Test of Nonverbal Intelligence (PTONI)	Ages 3 - 9:11
*Reynolds Intellectual Assessment Scales, 2nd Ed. (RIAS-2)	Ages 3 - 94
*Test of Nonverbal Intelligence, 4th Ed. (TONI-4)	Ages 6 - 89
*Universal Nonverbal Intelligence Test, 2nd Ed. (UNIT-2)	Ages 5 - 21:11
*Wechsler Intelligence Scale for Children, 5th Ed. (WISC-V)	Ages 6:0 - 16:11
*Wechsler Nonverbal Scale of Ability (WNV)	Ages 4:0 - 21:11
*Wechsler Preschool and Primary Scale of Intelligence, 4th Ed. (WPPSI-IV)	Ages 2:6 - 7:7
*Woodcock-Johnson IV Tests of Cognitive Abilities (WJ IV COG)	Ages 2 - 90+
*Woodcock-Johnson IV Tests of Early Cognitive and Academic Development (WJ IV ECAD)	Ages 2:6 - 7:11



Physical Development (often assessed by Occupational or Physical Therapists)

Test Name	Age/Grade Range	Developmental Domain(s) Assessed
*Beery-Buktenica Developmental Test of Visual-Motor Integration, 6th Ed. (Beery VMI)	Ages 2:0 - 99:11	PD-F
*Bender Visual-Motor Gestalt Test, 2nd Ed. (Bender-Gestalt II)	Ages 3 - 85+	PD-F
*Bruininks-Oseretsky Test of Motor Proficiency, 2nd Ed. (BOT-2)	Ages 4:0 - 21:11	PD-F, PD-G
*Feifer Assessment of Writing (FAW) - <i>Graphomotor Index (GI)</i>	Grades PreK - College	PD-F
*Goal-Oriented Assessment of Lifeskills (GOAL)	Ages 7 - 17	PD-F, PD-G
*Movement Assessment Battery for Children, 2nd Ed. (Movement ABC-2)	Ages 3:0-16:11 (Test) 5:0-12:0 (Checklist)	PD
*Peabody Developmental Motor Scales, 2nd Ed. (PDMS-2)	Ages Birth - 5	PD-F, PD-G
*Test of Gross Motor Development, 3rd Ed. (TGMD-3)	Ages 3:0 - 10:11	PD-G

**Communication** (often assessed by Speech-Language Pathologists)

Test Name	Age/Grade Range
Bracken Basic Concept Scale: Expressive (BBCS:E)	Ages 3:0 - 6:11
Bracken Basic Concept Scale, 4th Ed. – Receptive (BBCS-4:R)	Ages 3:0 - 7:11
*Clinical Evaluation of Language Fundamentals - Preschool, 2nd Ed. – Spanish (CELF-Preschool-2 Spanish)	Ages 3:0 - 6:11
*Clinical Evaluation of Language Fundamentals - Preschool, 3rd Ed. (CELF-Preschool-3)	Ages 3:0 - 6:11
*Clinical Evaluation of Language Fundamentals, 5th Ed. (CELF-5)	Ages 5:0 – 21:11
*Comprehensive Assessment of Spoken Language, 2nd Ed. (CASL-2)	Ages 3:0 - 21
*Expressive One-Word Picture Vocabulary Test, 4th Ed. (EOWPVT-4)	Ages 2:0 - 95
*Expressive Vocabulary Test, 3rd Ed, (EVT-3)	Ages 2:6 - 90+
*Goldman-Fristoe Test of Articulation, 3rd Ed. (GFTA-3) – <i>Spanish version also available</i>	Ages 2:0 - 21:11
*Oral and Written Language Scale, 2nd Ed. (OWLS-II)	Ages 3:0 – 21:11 (COM)
*Peabody Picture Vocabulary Test, 5th Ed. (PPVT-5)	Ages 2:6 - 90+
*Preschool Language Scales, 5th Ed. (PLS-5)	Ages Birth - 7:11
*Receptive One-Word Picture Vocabulary Test, 4th Ed. (ROWPVT-4)	Ages 2:0 - 95
*Test of Early Language Development, 4th Ed. (TELD-4)	Ages 3:0 - 7:11
*Test of Language Development–Primary, 5th Ed. (TOLD-P:5)	Ages 4:0 - 8:11
*Woodcock-Johnson IV Tests of Oral Language (WJ IV OL)	Ages 2:0 - 90+



Social/Emotional/Affective Development (often assessed by School Psychologists)

Test Name	Age/Grade Range
Behavior Assessment System for Children, 3rd Ed. (BASC-3)	Ages 2:0 – 21:11
Conners Comprehensive Behavior Rating Scale (Conners CBRS)	Ages 6 - 18
Conners, 3rd Ed. / Conners 4th Ed. (Conners 3 / Conners 4)	Ages 6 - 18
Revised Children's Manifest Anxiety Scale, 2nd Ed. (RCMAS-2)	Ages 6 - 19
Social Skills Improvement System – Social Emotional Learning Edition (SSIS SEL)	Ages 3 - 18
Social Skills Improvement System- Rating Scales (SSIS)	Ages 3 - 18



Self-Help Skills (often assessed by School Psychologists)

Test Name	Age/Grade Range
Adaptive Behavior Assessment System, 3rd Ed. (ABAS-3)	Ages Birth – 89
Adaptive Behavior Diagnostic Scale (ABDS)	Ages 2 - 21
Rating Scale of Impairment (RSI)	Ages 5 - 18
Vineland Adaptive Behavior Scales, 3rd Ed. (Vineland-3)	Ages Birth - 90

Appendix B – Developmental Delay: Observation Form

Student Name: _____ School: _____

Grade: _____ Date: _____ Age (Years : Months): _____ : _____ Date of Birth: _____

Observer: _____ Position: _____

Observation Time: _____ : _____ AM / PM to _____ : _____ AM / PM

Instructions: The five areas of development, along with examples of associated behaviors, are listed below. The examples are not exhaustive, but may be used to help focus the observation on these areas. When providing the estimate of overall functioning, consider the referred student's behaviors in comparison to same-age peers in the general education classroom. Provide any additional details about what was observed, justification for the selected estimate of functioning, and any other impressions from the observation in the comment sections.

Cognition

Executive Function – impulse control, flexibility, starting tasks/activities, following multi-step directions, organization

Knowledge – recalling information, sorts/categorizes/matches objects, reasoning, cultural/general knowledge

Literacy – print concepts, phonological awareness, phonics, letter/word fluency, vocabulary

Numeracy – counting (stable order, 1:1 correspondence, cardinality), digit naming, sizes/comparisons, shapes

Estimate of Overall Functioning (circle):

Well Below Average

Below Average

Average

Above Average

Well Above Average

Comments: _____

Physical Development

Gross-Motor – balance, coordination, sitting, standing, walking, running, jumping, hopping, lifting, kicking, catching

Fine-Motor – cutting with scissors, stringing beads, turning pages, stacking objects, drawing, writing, tracing, typing

Estimate of Overall Functioning (circle):

Well Below Average

Below Average

Average

Above Average

Well Above Average

Comments: _____

Communication

Receptive – listening (orienting toward speaker), understanding, correctly pointing to or retrieving objects when asked

Expressive – speaking intelligibly with words and sentences, asking and answering questions, naming objects

Gestural/Nonverbal – eye contact, posture, demeanor, nodding/shaking head for agreement/disagreement

Estimate of Overall Functioning (circle):

Well Below Average

Below Average

Average

Above Average

Well Above Average

Comments: _____

Social/Emotional/Affective Development

Social Skills – following rules, helping others, working/cooperating with others, politeness, sharing

Emotional Skills – emotion regulation and recognition, empathy and understanding, patience

Adult/Peer Interaction – ability to socialize and maintain relationships with adults and peers

Estimate of Overall Functioning (circle):

Well Below Average

Below Average

Average

Above Average

Well Above Average

Comments: _____

Self-Help Skills

Dressing – buttoning/zipping/fastening clothing, tying shoes

Eating/Drinking – appropriate use of eating utensils, drinking without spilling, using napkins to wipe mouth or clean mess

Hygiene – covering coughs/sneezes, washing hands, using tissues to blow nose, using restroom unassisted

Safety – avoiding danger, showing caution, telling adult if someone is hurt, staying with group, following safety rules

Estimate of Overall Functioning (circle):

Well Below Average

Below Average

Average

Above Average

Well Above Average

Comments: _____

Appendix C – Developmental Delay: Evaluation Checklist

Student Name: _____ School: _____

Grade: _____ Date: _____ Age (Years : Months): _____ : _____ Date of Birth: _____

Evaluation Procedures	<u>Yes</u>	<u>No</u>
<p>» The student performed 1.5 or more standard deviations below the mean in consideration of 1.0 standard error of measurement on a standardized evaluation instrument in <u>2 or more</u> of the 5 areas of development described in WVBE Policy 2419.</p> <p style="text-align: center;">- OR -</p> <p>» The student is functioning at or below 75% of the normal rate of development in <u>2 or more</u> of the 5 areas of development described in WVBE Policy 2419.</p> <p style="text-align: center;"> <input type="checkbox"/> Cognition <input type="checkbox"/> Physical Development <input type="checkbox"/> Communication <input type="checkbox"/> Social/Emotional/Affective Development <input type="checkbox"/> Self-Help Skills </p>	_____	_____
Documentation of atypical development has been obtained (e.g., developmental history, medical reports).	_____	_____
Classroom observations conducted by a qualified professional corroborate the assessment findings.	_____	_____
A parent interview or parent report has been completed that confirms developmental strengths and needs.	_____	_____
A teacher interview or teacher report has been completed that confirms developmental strengths and needs.	_____	_____
Description or summary of how developmental delays adversely affect the student's educational performance is available.	_____	_____
A <u>comprehensive</u> evaluation has been completed to determine the most appropriate eligibility decision.	_____	_____

Definition and Criteria

(Check one): Initial Evaluation Reevaluation

	<u>Yes</u>	<u>No</u>
For <u>INITIAL</u> evaluation or identification: The student is under the age of 6 years, 0 months.	_____	_____
For <u>REEVALUATION</u>: All other exceptionalities have been considered.	_____	_____
Developmental delay best describes the nature of the student's strengths and needs.	_____	_____

Appendix D – Developmental Delay: Rate of Development Calculation Form

Student Name: _____ School: _____

Grade: _____ Date: _____ Age (Years : Months): _____ : _____ Date of Birth: _____

If the student is functioning at, or lower than, 75% of the normal rate of development in two or more of the areas below, the student may be eligible for special education services under developmental delay.

Developmental Area	Evaluation Instrument	Developmental Age (Months)	Development Rate (%)
Cognition			
Physical Development			
› Fine Motor			
› Gross Motor			
Communication			
› Receptive			
› Expressive			
Social/Emotional/Affective Development			
Self-Help Skills			

Calculating the Rate of Development

- › Divide the student's developmental age in months by the student's chronological age in months.
- › Multiply the result by 100.

Example					
DA = 36 months	$\frac{36 \text{ months}}{52 \text{ months}}$	=	0.6923	$0.6923 \times 100 = 69.23$	Rate of Development = 69.23%
CA = 52 months					

DA = Developmental Age (Age Equivalent Score in Months)

CA = Chronological Age (Age in Months)

Appendix E – Developmental Delay: Performance Profile

Student Name: _____ School: _____

Grade: _____ Date: _____ Age (Years : Months): _____ : _____ Date of Birth: _____

For Initial Evaluation Only: Student must be under the age of 6 years, 0 months for initial eligibility consideration.

If the student is functioning at or lower than 75% of the normal rate of development, or performs 1.5 standard deviations or more below the mean in consideration of 1.0 standard error of measurement on a standardized evaluation instrument, in two or more of the areas below, the student may be eligible for special education services under developmental delay.

	Cognition	Physical Development	Communication	Social / Emotional / Affective Development	Self-Help Skills
Evaluation Instrument(s)					
Date(s) Administered					
Standardized Score	Score(s): _____ Test Mean: 100 - 50 - 10 Must be 1.5 SDs or more below the mean*	Score(s): _____ Test Mean: 100 - 50 - 10 Must be 1.5 SDs or more below the mean*	Score(s): _____ Test Mean: 100 - 50 - 10 Must be 1.5 SDs or more below the mean*	Score(s): _____ Test Mean: 100 - 50 - 10 Must be 1.5 SDs or more below the mean*	Score(s): _____ Test Mean: 100 - 50 - 10 Must be 1.5 SDs or more below the mean*
- OR -					
Rate of Development	_____ % Must be 75% or lower	_____ % Must be 75% or lower	_____ % Must be 75% or lower	_____ % Must be 75% or lower	_____ % Must be 75% or lower

Note: SD = Standard Deviation

*For assessments in which higher scores indicate more concerns/problems, scores that are 1.5 SDs or more above the mean may be considered.

Description of how the student's delays adversely affect educational performance:

Cognition: _____

Physical Development: _____

Communication: _____

Social / Emotional / Affective Development: _____

Self-Help Skills: _____



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