

DEVELOPMENTAL DELAY AS QUALIFYING DISABILITY

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

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

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

Legal References:

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

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

NH Dept of Ed Admin Rule Ed 1102.1(s)

Adopted: May 17, 2023