

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: IHBAC
Policy Committee Review: December 8, 2022 School Board First Read: December 21, 2022 School Board Second Read/Adoption: January 4, 2023	Page 1 of 1 Category: Optional

## **DEVELOPMENTAL DELAY AS QUALIFYING DISABILITY**

Pursuant to 20 U.S.C. 1401(3)(B), the Oyster River Cooperative School 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.
3. If conditions in #1 and #2 are met by reason thereof, need special education and related services, as measured by appropriate diagnostic instruments and procedures consistent with State and federal laws and regulations.

### **Legal References:**

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

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

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