Q & A: Aging Out of Developmental Delay (DD) at Age Seven

The Minnesota Department of Education (MDE) Division of Compliance and Assistance has developed this document to address questions raised by parents and school districts regarding a child aging out of Developmental Delay (DD) criteria at age seven.

Question 1: Must a child be evaluated prior to exiting services under the DD eligibility category at age seven?

Answer: Yes. A school district must evaluate a child with a disability, following proper evaluation procedures (notice, documentation, etc.), prior to determining that the child is no longer a child with a disability. *See* 34 C.F.R. § 300.305(e)(1).

Question 2: What must be included on a Prior Written Notice for a child who is exiting services at age seven, in the event that the child is not eligible for services under a categorical eligibility?

Answer: The Prior Written Notice must include a description of the action proposed or refused, an explanation of why the proposal is being made, a description of the information used to inform the proposal, a statement that the parents have protection under procedural safeguards, sources the parents might contact for assistance, a description of other options the team considered and the reason those options were rejected and a description of any factors the team found relevant to the proposal. *See* 34 C.F.R. § 300.503(b).

Question 3: What must be included in the Evaluation Report (ER) of a child aging out of DD at age seven?

Answer: The ER must reflect the determination of whether or not the child is a child with a disability and with educational needs related to the disability as supported by the interpretation of evaluation data, the review of data provided by a variety of sources, including aptitude and achievement tests, information provided by parents, recommendations made by teachers and must include information about the child's physical, social and cultural background and adaptive behavior. *See* 34 C.F.R. § 300.306(c).

Authority: 34 C.F.R. §§ 303.305 (e)(1); 300.306(c); 303.503(b).