**24:05:24.01:09.  Developmental delay defined.** A student who is at least three years of age but less than nine years of age may be identified as a student with a disability if the student has one of the major disabilities listed in § 24:05:24.01:01, or if the student has a severe delay in development, as specified in this section, and needs special education and related services.

A student with a severe delay in development functions at a developmental level two or more standard deviations below the mean in any one area of development listed in subdivisions 1 through 5, inclusive, or 1.5 standard deviations below the mean in two or more areas of development listed in subdivisions 1 through 5, inclusive.

The areas of development are:

(1)  Cognitive development;

(2)  Physical development;

(3)  Communication development;

(4)  Social or emotional development; and

(5)  Adaptive development.

A district is not required to adopt and use the term developmental delay for any students within its jurisdiction. If a district uses the term developmental delay, the district must conform to both the department's definition of the term and to the age range that has been adopted by the department.

A district shall ensure that all of the student's special education and related services needs that have been identified through the evaluation procedures described under chapter 24:05:25 are appropriately addressed.

**Source:** 23 SDR 31, effective September 8, 1996; 26 SDR 150, effective May 22, 2000; 33 SDR 236, effective July 5, 2007; 36 SDR 96, effective December 8, 2009; 40 SDR 40, effective September 11, 2013; 49 SDR 12, effective August 14, 2022.

**General Authority:** SDCL 13-37-1.1, 13-37-52.

**Law Implemented:** SDCL 13-37-1.1, 13-37-52.