



---

## **Developmental Delay Age Limit Working Group**

Report to the Legislature

As required by Laws of Minnesota 2025, 1st Spec. Sess. chapter 10, article 1, section 9

---

## **For more information:**

Bobbie Burnham  
Assistant Commissioner for Office of Teaching and Learning  
Minnesota Department of Education  
400 NE Stinson Blvd.  
Minneapolis, MN 55413  
651-582-8414  
[bobbie.burnham@state.mn.us](mailto:bobbie.burnham@state.mn.us)  
[education.mn.gov](http://education.mn.gov)

As requested by Minnesota Statutes, section 3.197: This report cost approximately \$16,470 to prepare, including staff time, printing and mailing expenses.

*Upon request, this material will be made available in an alternative format such as large print, braille or audio recording. Printed on recycled paper.*

## Table of Contents

For more information:.....	2
Legislative Charge.....	4
Executive Summary.....	5
Introduction.....	5
Key special education terms and context.....	6
Working group process.....	7
Working group analysis.....	8
Working group reference materials.....	9
Analysis.....	9
Quantitative data from MDE.....	9
Working group findings and recommendations.....	12
Conclusion.....	17
Appendix A. Other Relevant Supports, Services.....	18
Appendix B. Relevant Regulations, Statutes, and Rules.....	21
Appendix C. Other States’ Approaches to Developmental Delay.....	26
Appendix D. Working Group Members and MDE Team.....	29
Appendix E. Background Information on Licensing Requirements and Context.....	32

## Legislative Charge

The Minnesota Legislature directed the commissioner of the Minnesota Department of Education (MDE) to establish a working group to review current law on developmental delay age limits and offer recommendations. ([Laws of Minnesota 2025, 1st Spec. Sess. chapter 10, article 7, section 9](#) ). The full text of session law is below.

### Sec. 9. **DEVELOPMENTAL DELAY AGE LIMIT WORKING GROUP.**

Subdivision 1. **Working group.** The Department of Education must establish a working group on the age limit for children receiving special education services for developmental delay.

Subd. 2. **Members.** (a) The commissioner of education must consult with the organizations identified in paragraph (b) before naming appointed members to the working group.

(b) By August 1, 2025, the commissioner must appoint the following members to the working group:

- (1) the commissioner or the commissioner's designee;
- (2) two representatives from Minnesota Administrators for Special Education, consisting of one member from the seven-county metropolitan area and one member from outside the metropolitan area;
- (3) one representative from the Professional Educator Licensing and Standards Board;
- (4) two representatives from the Minnesota Association of Colleges for Teacher Education;
- (5) two representatives from Education Minnesota, consisting of one member from the seven-county metropolitan area and one member from outside the metropolitan area;
- (6) two representatives from the PACER Center;
- (7) two representatives from the Minnesota School Psychologists Association, consisting of one member working in a school setting and one member working in a postsecondary school psychologist preparation program; and
- (8) two representatives from the Minnesota School Social Workers Association, consisting of one member working in a school setting and one member working in a postsecondary school social worker preparation program.

Subd. 3. **Duties.** The working group must meet on a regular basis and review current law limiting the eligibility of children seven years old or older from receiving intervention services for developmental delay and assess the impact of extending eligibility to children under age nine. The working group must report its findings and recommendations to the chairs and ranking minority members of the legislative committees with jurisdiction over kindergarten through grade 12 education by February 1, 2026.

Subd. 4. **Administrative provisions.** (a) The commissioner or commissioner's designee must convene the initial meeting of the working group. Upon request, the commissioner must provide meeting space and administrative support for the group.

- (b) Members of the working group serve without compensation or payment of expenses.
- (c) The working group expires February 1, 2026, or upon submission of the report to the legislature required under subdivision 3, whichever is earlier.
- (d) Meetings of the working group are subject to the requirements of Minnesota Statutes, chapter 13D.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

## Executive Summary

The Minnesota Legislature directed the Minnesota Department of Education to convene the Developmental Delay Age Limit Working Group to review the current age limit for developmental delay eligibility in special education and assess the impact of extending eligibility beyond age 7. Under current Minnesota law, children up to age 7 may qualify for services under the developmental delay category, while federal law allows states to extend eligibility through age 9.

Minnesota leaders, educators, related professionals, and advocates have varied perspectives on whether Minnesota should change the age limitation for developmental delay. Some see extending the eligibility age as an obvious way to offer continuity to students with disabilities as they transition to elementary school. Others see potential downsides for students who may be tracked into the special education system unnecessarily, or, conversely, may not be appropriately identified for specialized services for their disability. Implementation challenges would need to be resolved if eligibility were extended, including licensure changes (and related higher education or retraining) and access to funding.

The working group met from September 2025 through January 2026 to review information and develop findings and recommendations. The group reviewed and discussed data analysis showing the number of students who exited developmental delay at or before age 7 (key points are in *Quantitative data from MDE* beginning on page 9) and discussed limitations and challenges in determining the scope. For the purposes of analysis, the group operated on the assumption that at least some students would benefit from extending the age range (*Scope of the issue*, beginning on page 12, includes the working group’s review of data and scope issues).

The group did not reach consensus on whether to recommend extending the eligibility age, but their findings and recommendations provide useful information for the Legislature, MDE, and others (see *Working group findings and recommendations* beginning on page 12).

## Introduction

In 2025, the Minnesota Legislature established the Developmental Delay Age Limit Working Group (DDALWG) to “review current law limiting the eligibility of children seven years old or older from receiving intervention services for developmental delay, and assess the impact of extending eligibility to children under age nine” (Laws of Minnesota 2025, 1st Spec. Sess. chapter 10, article 1, section 9). The legislation required that the working group meet on a regular basis and report its findings and recommendations by February 1, 2026.

Under current Minnesota law, a child up to age 7 can qualify for special education services and supports under the Developmental Delay (DD) disability category if they have a “substantial delay or a diagnosed physical or mental condition or disorder with a high probability of resulting in developmental delay” or “a delay in each of two or more of the areas of cognitive development; physical development, including vision and hearing; communication development; social or emotional development; and adaptive development, that is verified by an evaluation using one or more technically adequate, norm-referenced instruments...and the scores must be at least 1.5 standard deviations below the mean in each area.” (Minn. R. 3525.1351B(1)). Developmental Delay eligibility allows flexibility and access to specialized instruction and related services and supports by focusing on

delays in a child’s development before a child might demonstrate specific diagnoses required for other special education eligibility categories.

Importantly, Minnesota’s special education system is complemented by other efforts at state and district levels to help students succeed, such as [Alternative Delivery of Specialized Instructional Supports](#) (ADSIS) and the [Minnesota Multi-Tiered System of Support](#) (MnMTSS). Appendix A contains a non-exhaustive list of existing relevant supports, services, and resources.

Under the federal Individuals with Disabilities Education Act (IDEA), children may be eligible for developmental delay through age 9 at the discretion of the state (Individuals with Disabilities Education Act, 34 CFR section 300.8(b)). Appendix B contains an informal summary of state and federal laws. Appendix C contains background information about other states' approaches to developmental delay eligibility.

Minnesota leaders, educators, related professionals, and advocates have varied perspectives on whether Minnesota should change the age limitation for developmental delay. Broadly, some see extending the eligibility age as an obvious way to offer continuity to students with disabilities as they transition to elementary school. Others see potential downsides for students who may be tracked into the special education system unnecessarily, or, conversely, may not be appropriately identified to receive specialized services for their disability. Implementation challenges would need to be resolved if eligibility were extended, including licensure changes (and related higher education or retraining) and access to funding.

The working group elevated and explored these issues, and the group offers findings and recommendations beginning on page 12.

## Key special education terms and context

The working group was made up of experienced educators, advocates, and practitioners. They noted that highlighting key terms and context would be helpful for readers of this report.

This section outlines several areas relevant to the group’s findings and recommendations.

- **Philosophy of special education:** Unlike medical interventions or county support programs, a diagnosis or label does not determine what special education services are provided to a student. In special education, the child’s individual needs determine what services and supports are provided.
- **Early intervention:** In this context, “early intervention” refers to the specialized services and supports for students under Part C of the IDEA, for children birth through three years of age.
- **Child Find:** Under the IDEA, “all children with disabilities residing in the State...regardless of severity of their disability, and who are in need of special education and related services are identified, located, and evaluated” (Individuals with Disabilities Education Act, 34 CFR section 300.11). [Help Me Grow](#) is Minnesota’s child find initiative specific to children prior to entering kindergarten. Referrals for school-age children can be made directly to resident school districts or cooperatives.
- **Categorical disability:** Under the IDEA and Minnesota law, there are thirteen specific types of disabilities that can qualify a child for special education services. Data is typically tracked and analyzed by a student’s primary categorical disability, though they may receive services related to other needs and disabilities. Categories most relevant to this report include:

- [Emotional Behavioral Disorders \(EBD\)](#): “students must demonstrate behavioral consistency by having an established pattern of one or more of the following emotional or behavioral responses: A. withdrawal or anxiety, depression, problems with mood, or feelings of self-worth; B. disordered thought processes with unusual behavior patterns and atypical communication styles; or C. aggression, hyperactivity, or impulsivity” along with other definitional criteria.
- [Specific Learning Disability \(SLD\)](#): “disorder in one or more of the basic psychological processes involved in understanding or in using spoken or written language. The disability may be exhibited as an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. SLD also includes conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia.”
- [Other Health Disabilities \(OHD\)](#): “includes a wide range of chronic or acute health conditions, including Attention Deficit/Hyperactivity Disorder (AD/HD), that can range from mild to severe. Medications, treatments, therapies and repeated hospitalizations can affect a student’s ability to learn and function at school.”
- [Speech or Language Impairments \(SLI\)](#): “communication disorder such as stuttering, impaired articulation, language impairment or a voice impairment that adversely affects a student’s educational performance...”

## Working group process

MDE connected with organizations outlined in session law, and these organizations identified members for the working group. Appendix D includes the full list of members by organization, along with MDE planning team members.

MDE engaged with Management Analysis and Development (MAD) to provide facilitation and related consultation to the working group. [MAD](#) is the State of Minnesota’s management consulting practice, housed in Minnesota Management and Budget.

The working group met five times from September 2025 through January 2026. Each meeting was three hours long, in person at MDE’s conference center. Members could also provide input and ideas outside of meetings through surveys administered by MAD. Between the November and January meetings, working group members participated in optional asynchronous work to develop ideas and resources for the full group. MAD facilitated this process and reported results to the full working group.

The group’s work followed this basic structure:

- Getting organized, establishing a charter, confirming scope, and getting to know each other’s perspectives and expertise
- Sharing information to build common knowledge among members of the group
- Identifying issues in current approaches to developmental delay eligibility
- Generating and evaluating options and potential recommendations
- Developing findings and recommendations

## Voting process

At the beginning of the working group's process, the group adopted a charter which included voting procedures. For formal voting processes, the group determined that an issue was approved if 80% of members present voted in favor.

## Working group analysis

The working group used an analytical process to guide conversations, reframing the legislative charge into a few iterative, student-centered questions:

1. In the current situation, are students between 7 and 9 (who aged out of developmental delay at age 7) missing out on specialized instruction and supports that would help them succeed? And if so, in what ways?
2. And, if students in this range are missing out, would extending developmental delay eligibility to age 9 partially or fully resolve that issue?
3. And if extending eligibility would partially or fully resolve the issue:
  - a. Are there downsides to extending age of eligibility? Or, put differently, are there positives to the current state (exiting developmental delay at 7) that might be lost? (What are they? How might they be mitigated?)
  - b. Beyond supporting students, are there other upsides to extending eligibility? (What are they? Do they offset any downsides?)

The work group noted that the legislative charge referenced extending developmental delay *to* age 9 which is a different age range than allowable under the IDEA (*through* age 9).

In addition to those key questions, the group observed that “students” are not a monolith, so these questions should be examined from different perspectives as feasible. The group recognized there may be different answers to the above questions for different students based on categories including:

- race/ethnicity
- language/multilingual learners
- cultural differences
- geography (rural/urban)
- access to resources (financial, medical)
- economic and community differences
- school- or district-specific differences (such as resources, services, programs in place; staffing)
- type of disability

Later sections of this report summarize the group's findings and recommendations. The amount of time available for the working group process limited the depth and extent of analysis.

## Working group reference materials

Working group members requested and reviewed resources and key background information as part of their process, including:

- Quantitative data provided by MDE (summarized in the next section of this report)
- A non-exhaustive list of existing programs, resources, and services that serve students in the relevant age range (Appendix A)
- Relevant state and federal laws (Appendix B)
- Other states' age requirements for developmental delay (Appendix C)
- Background information on licensing requirements and context (Appendix E)

## Analysis

This section of the report provides a summary of quantitative data prepared by MDE, the working group's findings, and the working group's recommendations.

### Quantitative data from MDE

Staff from MDE prepared quantitative data for the working group, estimating the number of students that are potentially impacted by the current limitations of the Developmental Delay age band.

To do this, MDE extracted student enrollment records for any student between the ages of 3 and 9 years of age and from the 2011-12 school year through the 2024-25 school year. All students—those eligible for special education services and those not eligible for special education services—were included in the data. Students were organized into cohorts based on their age and school year (e.g., 3-years old in 2011-12, 4-years old in 2011-12) to ensure that the right students (those eligible for a developmental delay identification) were examined at the right time (at 3-years of age vs. at 7-years of age).

This resulted in a sample set of approximately 850,000 students across 11 cohorts.

Examining the cohort data:

- Over 50,000 students had at least one enrollment record with eligibility for a developmental delay identification recorded as 3-, 4-, 5-, or 6-year olds. This represents about 6% of the total number of students in the cohorts.
- Approximately 11,500 students with at least one enrollment record with eligibility for a developmental delay identification **did not have** an IEP or 504 plan when they were 7 years of age; that is, they were not receiving special education services.
- Approximately 2,000 students who had been eligible for developmental delay and then were in general education at age 7 became eligible for special education under a categorical disability after one or two years in general education. This can be thought of as the “target group of students” who might benefit from an extension of eligibility age because they exited developmental delay but then were eligible for special education after one or two years.

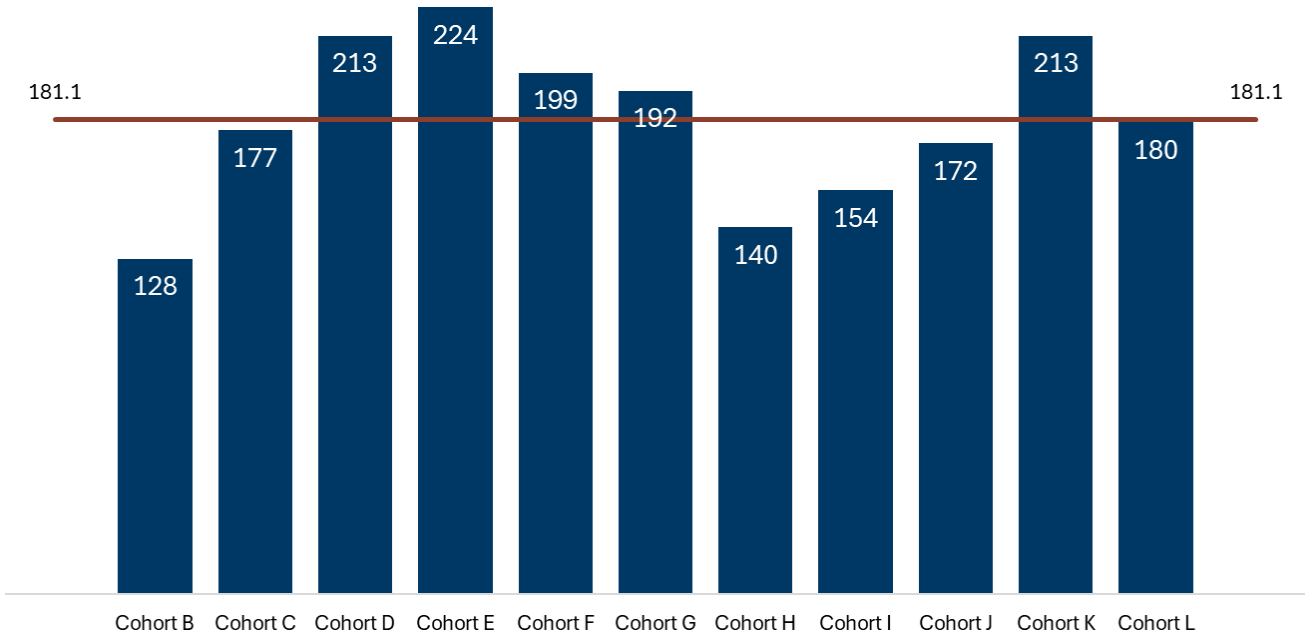
**In summary**, of the approximately 850,000 students in the cohorts examined, about 0.24% were eligible for developmental delay as 3- to 6-year-olds, then were in general education, and then returned to special education after one or two years. Of the approximately 11,500 students who had been eligible for developmental delay but then were not receiving special education services as 7-year-olds, about 17% returned to special education under a categorical disability.

Further analysis of this targeted group of students (n=1,992):

- Across cohorts, the average number of students becoming eligible for an IEP after developmental delay eligibility (as 3- to 6-year-olds) is 181 (Figure 1 and Table 1).
- The students in the target group had largely similar race/ethnicity distribution when compared to the cohorts. Examining demographic groups with the largest numbers of students:
  - Over 60% of students in both sets of data are white.
  - About 11% of students in the cohorts are Black or African American, and about 8% of the target group of students are Black or African American.
  - About 10% of students in the cohorts are Hispanic or Latino, and about 10% of the target group of students are Hispanic or Latino.
- Nearly one-third of students that became re-eligible, did so under specific learning disabilities. Another one-fifth of students were found to be eligible under other health disabilities. Other relevant categories in the targeted group include students with speech or language impairment (about 18%), emotional behavioral disorders (about 14%), and autism spectrum disorders represent (about 11%).
- The proportion of students becoming categorically eligible at age 8 or at age 9 was similar across cohorts.
- Over 85% of the students that became re-eligible came from homes in which English was the documented primary language. This is similar to the proportion of students in the cohort as a whole.

The following graph (Figure 1) depicts the 1,992 students across each cohort analyzed.

**Figure 1. Number of students becoming eligible for an IEP after developmental delay eligibility (as 3- to 6- year olds) and 1 or 2 years as a general education student, by cohort (Horizontal line shows average across cohorts.)**



**Table 1. Number of students becoming eligible for an IEP after developmental delay eligibility (as 3-6 year olds) and 1 or 2 years as a general education student, by cohort (data displayed in Figure 1)**

Cohort*	Count
Cohort B	128
Cohort C	177
Cohort D	213
Cohort E	224
Cohort F	199
Cohort G	192
Cohort H	140
Cohort I	154
Cohort J	172
Cohort K	213
Cohort L	180
<b>Total</b>	<b>1,992</b>
<b>Statewide average</b>	<b>181.1</b>

\*Cohort labels are references within a larger data set. See above for explanation of cohort analysis method.

## Working group findings and recommendations

After discussion and group revision, the working group voted to adopt the findings in the section below, with all members present voting in favor (the MDE representative did not vote).

For the key question of whether or not to recommend extending eligibility, the group did not reach consensus. Potential compromise options such as extending eligibility only if certain issues were addressed or leaving eligibility as-is but addressing certain issues were appealing to some members, but none reached the 80% threshold.

After discussion, the working group adopted the recommendations below by consensus, with all members present voting in favor (the MDE representative did not vote). Though these recommendations do not address the primary issue of whether to extend eligibility, they flowed from the group's analysis of the issue and could support students in the relevant age group.

### Working group findings

This section of the report provides the working group's findings in these areas:

- Scope of the issue
- Impact of extending eligibility (potential benefits, potential challenges or drawbacks)
- Limitations of working group process, areas for potential additional exploration

#### Scope of the issue

In early meetings, the working group sought to understand the scope of the issue. How many students could potentially benefit from extending the age range? What are their demographic characteristics?

The working group reviewed and discussed data provided by MDE, showing the number of students who exited from developmental delay but then later became eligible for a categorical disability (summary of data begins on page 9).

Based on available data, the number of students who would benefit from extending eligibility is perhaps fewer than 200 students per cohort (explanation of analysis is on page 9, detail data in Figure 1 on page 11). This figure can be understood from different perspectives:

- About 17% of students who exited developmental delay before their seventh birthday returned to special education under a categorical disability.
- About 0.24% of all students exited developmental delay before their seventh birthday, then returned to special education under a categorical disability.

Changes in licensure, professional development requirements, and policies may not be the best approach for reaching this number of students.

It is possible that cutting off eligibility criteria at age 7 has led teachers or families to not pursue eligibility for students *nearing* 7 years of age (with the idea that they only would have a few months of additional support). If

extending eligibility would eliminate this possible disincentive, then potentially more students could benefit from a developmental delay determination.

Available data showed patterns for students who left developmental delay but returned to special education under specific disability categories. Development is not static, and so it is not certain whether the students in those categories later would have had those same educational needs if they had continued receiving services under developmental delay.

Further complicating the scope issue, it is not clear whether the students who could be served by extended developmental delay eligibility could be (or perhaps are already) supported by other existing programs, services, or resources. (Appendix A contains a non-exhaustive list of these programs, services, and resources.)

Additionally, scope issues related to other costs or labor associated with the current approach were not fully explored in this working group process. For example, there is cost and labor associated with re-evaluating students who leave developmental delay and then return under a disability category. (Other limitations and potential areas of exploration are on page 15.)

MDE does not have access to student or district-level data that could definitively address these scope issues.

Further precision in estimating the scope of the issue would require additional engagement, research, and time beyond the scope of this working group.

**Overall finding:** For the purposes of analysis, the working group assumed that at least some students could benefit from extending the eligibility age.

### **Impact of extending eligibility**

This section summarizes the working group's discussions about the benefits and challenges of extending eligibility. The group did not evaluate each item fully, so findings represent *potential* impacts.

#### *Potential benefits of extending eligibility*

##### **Primary potential benefit:**

- **Student support and success:** The working group discussed several potential benefits to students if eligibility were extended, including:
  - Extending eligibility could allow more students to receive special education services and lengthen the period of special education to help students succeed.
  - For students who are first entering Minnesota's educational system between ages 7 and 9, extending eligibility could ensure access to supports and services earlier in their elementary grades. Services earlier in elementary grades may decrease or prevent the need for additional supports as the student develops.
  - Extending eligibility could allow students to acclimate to elementary school while continuing their existing services and supports from early childhood settings.
  - Some evaluation data is more accurate in older children (IQ, for example). Extending eligibility age could allow for more accurate evaluation when considering other categorical eligibility.

- Extending eligibility could allow for better preparation and conversation with families regarding specific categorical disabilities. This additional preparation time, combined with more accurate evaluation data, could help address and remove some of the stigma associated with some diagnoses.
- Extending the age of eligibility could also help fulfill child-find requirements.

#### **Other potential benefits:**

- **Continuity of service and support for families:** Families would avoid a re-eligibility process and maintain services if the age were extended beyond the 7 years-of-age cutoff. Aligning Minnesota’s eligibility age range with a range more commonly used in other states would remove that variable, potentially smoothing transition for families moving across states. (Appendix C includes background on other states.)
- **Workforce:** The state’s educator workforce is under strain. Extending developmental delay eligibility could mitigate challenges faced by general education teachers by extending services to students: teachers could have less strain because students would be getting what they need. Additionally, changes in licensure required with extended eligibility would likely lead to additional training, which could benefit educators.
- **Stronger professional alignment and collaboration:** Extending developmental delay eligibility may strengthen collaboration and awareness among early childhood and elementary educators.

#### *Potential challenges or drawbacks to extending eligibility*

- **Over-identification:** Extending the age alone could lead to over-identification of students for special education services who could succeed in general education. Over-identification has corresponding potential impacts on student inclusion and success and could trigger a need for additional funding for special education.
- **Delayed early identification of specific categorical disabilities:** Extending the eligibility age could delay evaluation and identification of categorical disabilities for some conditions (such as autism spectrum disorder). Delayed identification of these disabilities could delay disability-specific services and supports that may help students succeed. District-specific approaches and discretion could delay evaluation and the sometimes-tough conversations with families about specific conditions.
- **Licensure:** Regardless of which licensure approach is taken (Academic and Behavioral Strategist (ABS), Early Childhood Special Education (ECSE) or some other path), educators would need additional professional training, which has corresponding impacts on higher education and the need for continuing education. From a licensure standpoint, modifying the ABS license appears more feasible than extending the ECSE license, due to the following factors:
  - ABS licensure could be adjusted to include relevant competence for developmental delay (they are already working with this age group of students).
  - It may be easier for an ABS licensed educator to add developmental delay competency than for an ECSE licensed educator to add an additional age range.
  - There are more ABS training programs available than ECSE, and more being added.
  - Working group members also noted that Minnesota recently considered extending the ECSE license, but the proposal was dropped after many ECSE professionals raised significant concerns.

- **Workforce:** As noted above, the state’s educator workforce is under strain. Extending developmental delay eligibility could exacerbate these challenges. Teacher shortages exist across both ABS and ECSE licensure areas. Depending on the licensure path taken, educators would need additional training or re-training, which would take time and attention.
- **Impact on birth through age 3 services:** Potential expansion of ECSE licensure (if that is the path taken with extending the age range) could reduce Minnesota’s focus on quality services for birth to age 3.
- **Unclear scope and impacts:** Without having a clear scope of the number of students who would be included with expanded eligibility, it is not clear if expansion would lead to the special education system being bogged down.

### Limitations of working group process and areas for potential additional exploration

The working group discussed areas where additional perspectives or information would be beneficial or necessary. This list of limitations and potential areas of additional exploration should be read within the context of the working group’s overall commitment to take a student-centered approach.

- **ABS license-holder perspectives:** Extending ABS licensure to include developmental delay competencies for kindergarten to age 9 emerged as a possible recommendation if the eligibility age were extended. There are no ABS licensed practitioners on the working group, and members did not feel comfortable making assumptions about their perspectives.
- **Perspectives from educators of multilingual learners:** The group discussed specific issues related to multilingual learners, such as potential over-identification for special education generally or under-identification for specific conditions. The working group noted that there are no members with deep expertise in this area.
- **Additional perspectives from families and students with disabilities:** Working group members brought in perspectives from families and students from their own practice. Members noted that additional perspectives would be valuable, especially perspectives from BIPOC and multilingual families.
- **Fiscal impacts on districts and the state:** After recommendations from the working group, MDE can develop fiscal estimates if needed. For the purposes of analysis and recommendations, the working group assumed there would be at least some costs associated with implementing a change in eligibility. (Early on, the working group observed that they are functioning in a separate but somewhat parallel process to the state’s [Blue Ribbon Commission on Special Education](#). That commission is charged with developing an action plan to transform special education in Minnesota, with an assumed \$250,000,000 reduction in appropriations for special education beginning July 1, 2027.)
- **In-depth assessment of implementation issues for different districts and communities:** The group recognized that districts would have varying levels of ease in extending eligibility. Variables that would influence the relative ease or difficulty of implementing extended eligibility include:
  - Licensure types, experience levels, and number of existing staff
  - Participation in existing discretionary programs and services
  - Access to special education and other resources in schools
  - Access to other professional disciplines and community resources
  - Needs of individual students

- **In-depth assessment of potential impacts for students with specific types of conditions:** Working group members discussed eligibility categories that could benefit from additional exploration, such as Specific Learning Disabilities (members noted there is [existing work on SLD criteria](#) that should be considered), Emotional Behavioral Disorders, and Other Health Disabilities. Members noted that MDE does not have granular data on diagnosed conditions related to the developmental delay determination, but that there could be value in getting data or perspectives from a sample of districts.
- **In-depth review of how other states have approached this issue:** Members developed an overview of other states' approaches to eligibility age (in Appendix C). Other states are exploring this issue, and the working group did not have the opportunity to fully review and evaluate these efforts. Additional review or conversation with states could be useful, especially to determine how comparable the state's educational systems and supports are to Minnesota's and how they approached implementation challenges.

### Working group recommendations

As noted above, the group did not reach consensus on the key question on whether to extend the eligibility age for developmental delay. The recommendations below flowed from the group's analysis of the issue and could support students in the relevant age group. Recommendations are numbered for reference only—the working group did not discuss prioritization or sequence.

**Recommendation 1: Enhance and/or establish more robust statewide initiatives to support children in kindergarten through second grade.** To better support students in the relevant age group, the working group recommended statewide efforts including caps on class size, screeners for children potentially needing more support and services for at-risk learners, additional reading and math supports in these grades, and social and emotional learning. The group also recommends efforts to expand awareness of [MnMTSS](#) and other resources and supports. The working group noted that taking these actions would be useful regardless of whether the developmental delay age criteria was changed or maintained.

**Recommendation 2: Establish working group(s) to explore needs for students with and Other Health Disabilities (OHD) and Emotional Behavioral Disabilities (EBD).** Among students exiting developmental delay eligibility and then later qualifying for special education, OHD and EBD are common categories (page 11). The working group recommended that the legislature create a working group (or groups) to examine these specific eligibility categories and make recommendations.

**Recommendation 3: Consider developing separate eligibility criteria for developmental delay based on school age.** Separate eligibility criteria for birth through 3 years old, 3 years old to kindergarten, and kindergarten to second grade could better support students and address some concerns raised by working group members. If age ranges for developmental delay are changed, the working group recommends adding criteria requiring a comprehensive evaluation by a multidisciplinary team to consider and rule out other categorical disabilities. This approach aligns with SLD and OHD eligibility criteria.

**Recommendation 4: After consultation with relevant educator and advocacy perspectives, establish a process for monitoring students who exit developmental delay.** Monitoring would be for a year after the student exited developmental delay and could create consistent proactive approaches to connecting students with needed

services. Monitoring could be through district processes or curriculum assessment, and if needed through comprehensive evaluation. The working group noted that implementation issues would require exploration before this process is required.

**Recommendation 5: Require development and use of a fact sheet for families when a student is no longer eligible for developmental delay at age 7.** Districts would be required to provide this information to families, so they have relevant information and contacts when a child exits from services. Information should include family and student rights (such as the right to request re-evaluation), options and resources, safeguards, and contact information. The working group noted that this kind of resource would be beneficial for all students exiting services, but a broad recommendation was out of scope for this process.

## Conclusion

MDE convened and supported the Developmental Delay Age Limit Working Group as required by the Minnesota Legislature. The working group reviewed data and information and developed findings and recommendations. The group did not reach consensus on whether to extend the age of eligibility. The group offers other recommendations to potentially support students in the relevant age range. MDE will submit this report to the Legislature.

## Appendix A. Other Relevant Supports, Services

This appendix is a brief, non-exhaustive list of the various existing resources for students in the relevant age group. Information is from program websites. MDE compiled this information for the working group's reference.

Readers should note some of these programs are state funded or led; some are federal. Districts are required to implement some of these programs, while districts may choose to implement other programs. Readers should connect directly with specific districts to learn what is available.

[Alternative Delivery of Specialized Instructional Supports \(ADSIS\)](#) is an application process for districts and charter schools to apply for state special education aid. The purpose of ADSIS is to provide intervention to assist students who need additional academic or behavioral support to succeed in the general education environment. The goal is to reduce the number of inappropriate referrals to special education by providing proactive instructional supports early to struggling students. Districts are expected to align the ADSIS program within their existing continuum of supports, collect data as specified in the application, and submit evaluation information to the Minnesota Department of Education (MDE) each year to determine program impact.

[Coordinated Early Intervening Services \(CEIS\)](#) (Voluntary and Mandatory) are services provided to students in kindergarten through grade 12 (with a particular emphasis on students in kindergarten through grade three) who are not currently identified as needing special education or related services, but who need additional academic and behavioral supports to succeed in a general education environment.

[Elementary and Secondary Education Act \(ESEA\) now Every Student Succeeds Act \(ESSA\)/Federal Title](#) is federal legislation that promotes student achievement through school and district continuous improvement. The federally approved [Minnesota ESSA State Plan](#) meets the ESEA/ESSA requirement that each state must develop and implement a system for holding all districts and schools accountable for the education of students. As Local Educational Agencies (LEAs), eligible public school districts and public charter schools receive funding through the ESEA/ESSA appropriation. Often referred to as ESEA Title Grant Programs, these dollars support a wide range of opportunities for students and educators.

“The [Full-Service Community Schools](#) strategy transforms a school into a place where educators, local community members, families, and students work together to strengthen conditions for student learning and healthy development. As partners, they organize in- and out-of-school resources, supports, and opportunities so that young people thrive.” – Framework: Essentials for Community School Transformation, January 2023.

The Essentials for Community School Transformation Framework helps school communities actively build strong relationships, partnerships and webs of supports while centering children, youth, families and communities through the integrated development and improvement of six “key practices” as defined in the Framework: Essentials for Community School Transformation.

[Migrant Education Program \(MEP\)](#) is authorized under Title I, Part C of the Elementary and Secondary Education Act (ESEA) of 1965, reauthorized in 2015 as the Every Student Succeeds Act (ESSA). The purpose of the MEP is to meet the unique educational needs of migratory children and their families in order to ensure that migrant students reach challenging academic standards and graduate high school. Specifically, the goal of state MEPs is to design programs to help migratory children overcome educational disruption, cultural and language barriers,

social isolation, health-related problems, and other factors inhibiting migratory children from doing well in school and making the transition to postsecondary education or employment [Title I, Part C, Sec. 1301(5)]. The Program faces the continual challenge of locating, enrolling, and maintaining contact with eligible students and their families.

[Minnesota MTSS \(MnMTSS\)](#) is a systemic, continuous improvement framework for ensuring positive social, emotional, behavioral, developmental, and academic outcomes for every student. MnMTSS provides access to layered tiers of culturally and linguistically responsive, evidence-based practices and relies on the understanding and belief that every student can learn and thrive. In addition, it engages an anti-bias and socially-just approach to examining policies and practices and ensuring equitable distribution of resources and opportunity.

[Minnesota COMPASS](#), or Collaborative Minnesota Partnerships to Advance Student Success, is the statewide system for continuous improvement created through a collaboration between the Minnesota Department of Education (MDE) and the [Minnesota Service Cooperatives](#).

- COMPASS is designed to guide and support the examination and improvement of systems. COMPASS strives for equitable outcomes and by prioritizing access to strong tier 1 instruction for all Minnesota students.
- COMPASS is the statewide system through which all districts, charter organizations, and schools may receive evidence-based support, all within the MnMTSS framework.
- COMPASS is committed to providing cohesive supports for implementing culturally and linguistically responsive, evidence-based practices. COMPASS relies on the belief and understanding that every student can and will learn and thrive.

[Positive Behavioral Interventions and Supports \(PBIS\)](#) implementation is a state-initiated project that provides districts and individual schools throughout Minnesota with the necessary training, coaching, technical support and evaluation to promote improvement in student behavior across the entire school, especially for students with challenging social behaviors. PBIS school teams establish clearly defined outcomes that relate to students' academic and social behavior, systems that support staff efforts, practices that support student success and data to guide decision-making.

[School-Linked Behavioral Health Grants \(SLBH\)](#) are state infrastructure grants that support school-linked behavioral health services throughout Minnesota. These school-connected clinical treatments include interventions that:

- Increase accessibility for children and youth who are uninsured or under insured
- Improve clinical and functional outcomes for children and youth with a mental health or substance use disorder diagnosis
- Improve identification of mental health and substance use issues for children and youth

This initiative connects or co-locates effective behavioral health services with schools and students at the local level. This project has proven particularly effective in reaching children who have never accessed mental health services.

[The Minnesota Reading to Ensure Academic Development \(READ\) Act](#) was passed and signed into law by Governor Tim Walz on May 24, 2023. The goal of this legislation is to have every Minnesota child reading at or

above grade level every year, beginning in kindergarten, and to support multilingual learners and students receiving special education services in achieving their individualized reading goals in order to meet grade level proficiency. The READ Act replaces Read Well by Third Grade (RWBTG) and is in effect as of July 1, 2023.

The COMPASS Statewide System of Support, inclusive of the READ Act-funded [Regional Literacy Network](#) (RLN), establishes a team of specialists at each of the nine Regional Service Cooperatives who will work in close collaboration with Minnesota Department of Education (MDE). These specialists will offer expertise in the areas of Minnesota Multi-Tiered System of Support (MnMTSS), literacy, math, school climate and culture, equitable access to high-quality learning environments; and culturally responsive instructional leadership.

## Appendix B. Relevant Regulations, Statutes, and Rules

This appendix summarizes Developmental Delay language and requirements associated with the service of children with this eligibility. MDE compiled this information for working group reference.

### Determining Developmental Delay Eligibility

#### Federal Regulation

##### [Individuals with Disabilities Education Act, 34 CFR part 300](#)

#### **300.111 Child find.**

(b) Use of term developmental delay. The following provisions apply with respect to implementing the child find requirements of this section:

(1) A State that adopts a definition of developmental delay under § 300.8(b) determines whether the term applies to children aged three through nine, or to a subset of that age range (e.g., ages three through five).

(2) A State may not require an LEA to adopt and use the term developmental delay for any children within its jurisdiction.

(3) If an LEA uses the term developmental delay for children described in § 300.8(b), the LEA must conform to both the State's definition of that term and to the age range that has been adopted by the State.

(4) If a State does not adopt the term developmental delay, an LEA may not independently use that term as a basis for establishing a child's eligibility under this part.

#### **300.8 Child with a disability.**

(b) 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.

## State Statute/Rule

[Minnesota Statutes, chapter 125A](#) and [Minnesota Rules, Chapter 3525](#)

### **125A.02 CHILD WITH A DISABILITY DEFINED.**

Subd. 1a. Children birth through age six experiencing developmental delays.

In addition to subdivision 1, every child under age three and, at local district discretion, every child from age three through age six who needs special instruction and services, as determined by the rules of the commissioner of children, youth, and families for children under age three and by the rules of the commissioner of education for children ages three through six, because the child has a substantial delay or a diagnosed physical or mental condition or disorder with a high probability of resulting in developmental delay is a child with a disability.

### **3525.1351 INTERVENTION SERVICES: AGES THREE THROUGH SIX YEARS.**

The team shall determine that a child from the age of three years through the age of six years is eligible for special education when:

A. the child meets the criteria of one of the categorical disabilities in United States Code, title 20, chapter 33, sections 1400 et seq., as defined in Minnesota Rules; or

B. the child meets one of the criteria for developmental delay in subitem (1) and the criteria in subitem (2). Local school districts have the option of implementing these criteria for developmental delay. If a district chooses to implement these criteria, it may not modify them.

(1) The child:

(a) has a diagnosed physical or mental condition or disorder that has a high probability of resulting in developmental delay; or

(b) has a delay in each of two or more of the areas of cognitive development; physical development, including vision and hearing; communication development; social or emotional development; and adaptive development, that is verified by an evaluation using one or more technically adequate, norm-referenced instruments. The instruments must be individually administered by appropriately trained professionals and the scores must be at least 1.5 standard deviations below the mean in each area.

(2) The child's need for special education is supported by:

(a) at least one documented, systematic observation in the child's daily routine setting by an appropriate professional or, if observation in the daily routine setting is not possible, the alternative setting must be justified;

(b) a developmental history; and

(c) at least one other evaluation procedure in each area of identified delay that is conducted on a different day than the medical or norm-referenced evaluation; which may include criterion-referenced instruments, language samples, or curriculum-based measures.

## Workforce Requirements

### Federal Regulation

[Individuals with Disabilities Education Act, 34 CFR part 300](#)

#### **300.156 Personnel qualifications.**

(a) General. The SEA must establish and maintain qualifications to ensure that personnel necessary to carry out the purposes of this part are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities.

(b) Related services personnel and paraprofessionals. The qualifications under paragraph (a) of this section must include qualifications for related services personnel and paraprofessionals that—

(1) Are consistent with any State-approved or State-recognized certification, licensing, registration, or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or related services; and

(2) Ensure that related services personnel who deliver services in their discipline or profession—

(i) Meet the requirements of paragraph (b)(1) of this section; and

(ii) Have not had certification or licensure requirements waived on an emergency, temporary, or provisional basis; and

(iii) Allow paraprofessionals and assistants who are appropriately trained and supervised, in accordance with State law, regulation, or written policy, in meeting the requirements of this part to be used to assist in the provision of special education and related services under this part to children with disabilities.

(c) Qualifications for special education teachers.

(1) The qualifications described in paragraph (a) of this section must ensure that each person employed as a public school special education teacher in the State who teaches in an elementary school, middle school, or secondary school—

(i) Has obtained full State certification as a special education teacher (including certification obtained through an alternate route to certification as a special educator, if such alternate route meets minimum requirements described in 34 CFR 200.56(a)(2)(ii) as such section was in effect on November 28, 2008), or passed the State special education teacher licensing examination, and holds a license to teach in the State as a special education teacher, except that when used with respect to any teacher teaching in a public charter school, the teacher must meet the certification or licensing requirements, if any, set forth in the State's public charter school law;

(ii) Has not had special education certification or licensure requirements waived on an emergency, temporary, or provisional basis; and

(iii) Holds at least a bachelor's degree.

(2) A teacher will be considered to meet the standard in paragraph (c)(1)(i) of this section if that teacher is participating in an alternate route to special education certification program under which—

(i) The teacher—

(A) Receives high-quality professional development that is sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction, before and while teaching;

(B) Participates in a program of intensive supervision that consists of structured guidance and regular ongoing support for teachers or a teacher mentoring program;

(C) Assumes functions as a teacher only for a specified period of time not to exceed three years; and

(D) Demonstrates satisfactory progress toward full certification as prescribed by the State; and

(ii) The State ensures, through its certification and licensure process, that the provisions in paragraph (c)(2)(i) of this section are met.

(d) Policy. In implementing this section, a State must adopt a policy that includes a requirement that LEAs in the State take measurable steps to recruit, hire, train, and retain personnel who meet the applicable requirements described in paragraph (c) of this section to provide special education and related services under this part to children with disabilities.

(e) Rule of construction. Notwithstanding any other individual right of action that a parent or student may maintain under this part, nothing in this part shall be construed to create a right of action on behalf of an individual student or a class of students for the failure of a particular SEA or LEA employee to meet the applicable requirements described in paragraph (c) of this section, or to prevent a parent from filing a complaint about staff qualifications with the SEA as provided for under this part.

## **State Statute/Rule**

[Minnesota Statutes, chapter 122A](#) and [Minnesota Rules, chapter 8710](#)

### **122A.16 QUALIFIED TEACHER DEFINED.**

A qualified teacher is one holding a valid license, under this chapter, to perform the particular service for which the teacher is employed in a public school.

### **8710.5500 TEACHERS OF SPECIAL EDUCATION: EARLY CHILDHOOD.**

Subpart 1. Scope of practice. A teacher of special education: early childhood is authorized to provide evaluation and specially designed instruction to eligible children, birth through age six, who exhibit a broad range of

developmental delays or disabilities, including those with a diagnosed physical or mental condition or disorder that has a high probability of resulting in developmental delay. Teachers collaborate and consult with families, other classroom and special education teachers, and specialized service providers in designing and implementing individualized education program plans for children and families.

Subp. 2. License requirements. An applicant seeking a license to teach special education: early childhood must meet the requirements in parts 8710.0311 to 8710.0314 and Minnesota Statutes, sections 122A.181 to 122A.184.

## Other Minnesota Rules of potential interest

The following references were of potential interest to working group members.

**Top three disability categories** for children exiting developmental delay into general education setting to become eligible under categorical eligibility in subsequent years.

- [Other Health Disability](#)
- [Specific Learning Disability](#)
- [Speech and Language Impairment](#)

### Cross-Categorical Licensure considerations

- Teachers of Special Education [Academic and Behavioral Strategist](#)
- Teachers of Special Education [Early Childhood](#)

## Appendix C. Other States' Approaches to Developmental Delay

The information in this appendix was developed by working group members for their reference in fall 2025 and is included in this report for future use.

Working group members also reviewed a recent article on this topic:

Sussman-Dawson, Katya and Duesenberg-Marshall, Mckinzie. (2026). *The National Landscape of Developmental Delay*. Available at [https://www.researchgate.net/publication/399734594\\_The\\_National\\_Landscape\\_of\\_Developmental\\_Delay](https://www.researchgate.net/publication/399734594_The_National_Landscape_of_Developmental_Delay)

Readers are encouraged to confirm the status of laws in other states before relying on the information below.

### Summary table

DD Criteria Age Limit	Number of States	Percent of States	Of Those States, Percent That Include Medical Condition Exception in Part B DD Criteria	Of Those States, Percent That ONLY Use Response to Intervention (RTI) Criteria for SLD
Through 5	6	12%	33%	17%
Through 6	2	4%	100%	0%
Through 7	6	12%	33%	17%
Through 8	12	24%	8%	33%
Through 9	20	39%	5%	10%
Does Not Use Part B DD Criteria	4	8%	n/a	25%

\*D.C. included

### State Detail: Through Age 5

State	Criteria	Diagnosis?	SLD RTI only?
<a href="#">Arkansas</a>	2 SD in 1 area OR 1.5 SD in 2 areas	no	no
<a href="#">Connecticut</a>	2 SD in 1 area OR 1.5 SD in 2 areas	yes	yes
<a href="#">Maine</a>	2 SD in 1 area OR 1.5 SD in 2 areas	no	no
<a href="#">Missouri</a>	1.5 SD in 2 areas	no	no
<a href="#">Vermont</a>	2 SD in 1 area OR 1.5 SD in 2 areas	no	no
<a href="#">Pennsylvania</a>	1.5 SD in 1 area	yes	no

## State Detail: Through Age 6

<i>State</i>	<i>Criteria</i>	<i>Diagnosis?</i>	<i>SLD RTI only?</i>
<a href="#">Minnesota</a>	1.5 SD in 2 areas	yes	no
<a href="#">Virginia</a>	Unspecif. in 1 area	yes	no

## State Detail: Though Age 7

<i>State</i>	<i>Criteria</i>	<i>Diagnosis?</i>	<i>SLD RTI only?</i>
<a href="#">D.C.</a>	2 SD in 1 area	no	no
<a href="#">Maryland</a>	25% in 1 area	yes	no
<a href="#">Michigan</a>	Half expected development in 1 area	no	no
<a href="#">West Virginia</a>	1.5 SD in 2 areas	no	no
<a href="#">North Carolina</a>	2 SD in 1 area OR 1.5 SD in 2 areas	no	yes
<a href="#">Nebraska</a>	Unspecif. in 1 area	yes	no

## State Detail: Through Age 8

<i>State</i>	<i>Criteria</i>	<i>Diagnosis?</i>	<i>SLD RTI only?</i>
<a href="#">Alabama</a>	2 SD in 1 area OR 1.5 SD in 2 areas	no	no
<a href="#">Alaska</a>	2 SD in 1 area OR 1.7 SD in 2 areas	no	no
<a href="#">Colorado</a>	1.5 SD in 2 areas	yes	yes
<a href="#">Delaware</a>	2 SD in 1 area OR 1.5 SD in 2 areas	no	yes
<a href="#">Hawaii</a>	Varies by age range	no	no
<a href="#">Indiana</a>	2 SD in 1 area OR 1.5 SD in 2 areas	no	no
<a href="#">Kentucky</a>	2 SD in 1 area OR 1.5 SD in 2 areas	no	no
<a href="#">Louisiana</a>	1.5 SD in 1 area	no	yes
<a href="#">Montana</a>	2 SD in 1 area OR 1.5 SD in 2 areas	no	no
<a href="#">Utah</a>	1.5 SD in 3 areas, 2 SD in 2 areas, or 2.5 in one area	no	no
<a href="#">South Dakota</a>	2 SD in 1 area OR 1.5 SD in 2 areas	no	no
<a href="#">South Carolina</a>	2 SD in 1 area OR 1.5 SD in 2 areas	no	yes
<a href="#">Rhode Island</a>	2 SD in 1 area OR 1.5 SD in 2 areas	no	no

## State Detail: Does not use Part B Developmental Delay criteria

<i>State</i>	<i>SLD RTI only?</i>
Iowa	yes
<a href="#">California</a>	no
<a href="#">New York</a> (no age listed aside from under three with 12-month delay)	no
<a href="#">New Jersey</a> (no age listed aside from under three)	no

## Appendix D. Working Group Members and MDE Team

### Working Group Members

All members below were appointed by their respective organizations. Aside from the MDE commissioner designee, MDE played no role in selecting appointees.

Role specified in session law	Designee name/title/organization
The [MDE] commissioner or the commissioner's designee	Bobbie Burnham, assistant commissioner, MDE (chair of working group)
Two representatives from Minnesota Administrators for Special Education, consisting of one member from the seven-county metropolitan area and one member from outside the metropolitan area	Deanna Gronseth, director of special services, Hastings Public School District  Ashley Nelson, supervisor of special services, Moorhead Area Public School District
One representative from the Professional Educator Licensing and Standards Board	Erin Doan, director of educator preparation and pathways, Professional Educator Licensing and Standards Board (PELSB)
Two representatives from the Minnesota Association of Colleges for Teacher Education	Brenna Rudolph, early childhood special education licensure program lead, University of Minnesota  Bonnie Ingelin, professor, University of Saint Thomas
Two* representatives from Education Minnesota, consisting of one member from the seven-county metropolitan area and one member from outside the metropolitan area	Jenna Strain Lutz, early childhood special education teacher, Minneapolis Public Schools  Andrew Skirka, first grade teacher, Wayzata Public Schools  Libby Carr, special education teacher, Mankato Area Public Schools
Two representatives from the PACER Center	Judy Swett, early childhood specialist/parent training and advocacy, PACER Center  Sarah McGinn, parent trainer and advocate, PACER Center

Role specified in session law	Designee name/title/organization
Two representatives from the Minnesota School Psychologists Association, consisting of one member working in a school setting and one member working in a postsecondary school psychologist preparation program	<p>Mollie Weeks, teaching assistant professor, specialist coordinator, school psychology program, University of Minnesota (postsecondary school psychologist preparation program representative)</p> <p>Ellen Curran, special education teacher, Mankato Area Public Schools (practitioner/school-setting representative)</p>
Two representatives from the Minnesota School Social Workers Association, consisting of one member working in a school setting and one member working in a postsecondary school social worker preparation program.	<p>Judy Brown, manager, mental health support services, Minneapolis Public Schools (postsecondary school social worker preparation program representative)</p> <p>Shannyn Fagerstrom Schauer, school social worker, Minneapolis Public Schools (social worker in a school setting representative)</p>

\*Education Minnesota sent three appointees to the working group. MDE discussed this issue with the EducationIssues Specialist from Education Minnesota and with the full working group. The working group’s facilitator proposed maintaining all three members but sharing votes proportionally (so that each of the three Education Minnesota members had 0.66 of a vote, with two votes for Education Minnesota collectively). The group proceeded with that approach.

## MDE Team

MDE formed a team to plan for meetings and support the working group, and they brought additional expertise to the working group when needed. Participants are listed below.

Role	Name/title
Working group chair	Bobbie Burnham, assistant commissioner, MDE
Co-leads for subject matter expertise	<p>Danielle Hayden, director, division of early education, MDE</p> <p>Eric Kloos, assistant director, division of special education, MDE</p>

Role	Name/title
Logistics and coordination; other support and planning	Fatima Alnizami, executive assistant, MDE
Meeting documentation; other support and planning	Alanna Patterson, senior office and administrative specialist, MDE
Facilitation and other consulting services for the working group and planning team	Beth Bibus, enterprise director, Management Analysis and Development (through an interagency agreement with MDE)
Additional MDE expertise (beyond planning team)	Kristen Rewey, data reporting and evaluation manager, MDE  Sue Thomas, Part B619 coordinator, MDE

## Appendix E. Background Information on Licensing Requirements and Context

The working group reviewed and discussed information on special education licenses and related context. Broadly, two licenses cross categorical disabilities and would be the most likely candidates for serving students if the developmental delay eligibility age were extended: the Academic and Behavioral Strategist (ABS) and the Early Childhood Special Education (ECSE) license. A change to either would have implications, including required rule changes and changes to higher education programs. This appendix highlights context and information considered by the working group.

### Minnesota Special Education Licenses

MDE prepared this list of licenses for the working group’s reference.

<b>Minnesota Rule Number</b>	<b>Licensure Name</b>	<b>Age or Grade Scope</b>	<b>Full License or Endorsement Only</b>
<a href="#">8710.5050</a>	Special Education: Academic and Behavioral Strategist (mild to moderate only)	Grades K-age 21 (grade 12)	Full
<a href="#">8710.5850</a>	Special Education: Autism Spectrum Disorders	Birth-age 21 (grade 12)	Full
<a href="#">8710.5100</a>	Special Education: Blind or Visually Impaired	Birth-age 21 (grade 12)	Full
<a href="#">8710.5200</a>	Special Education: Deaf or Hard of Hearing	Birth-age 21 (grade 12)	Full
<a href="#">8710.5400</a>	Special Education: Developmental Disabilities	Grades K-age 21 (grade 12)	Full
<a href="#">8710.5500</a>	Special Education: Early Childhood	Birth through age 6	Full
<a href="#">8710.5600</a>	Special Education: Emotional Behavioral Disorders	Grades K-age 21 (grade 12)	Full
<a href="#">8710.5700</a>	Special Education: Learning Disabilities	Grades K-age 21 (grade 12)	Full
<a href="#">8710.5250</a>	Special Education: Oral/Aural Deaf Education	Birth-age 21 (grade 12)	Full
<a href="#">8710.5800</a>	Special Education: Physical and Health Disabilities	Birth-age 21 (grade 12)	Full
<a href="#">8710.6000</a>	Speech-Language Pathologist	Grades pre-k-age 21 (grade 12)	Full

## Teacher Licensing Overview

The Professional Educator Licensing and Standards Board (PELSB) shared information and context with the working group on the special education licenses most commonly serving students.

### Special education licenses

#### Special Education Licenses Most Commonly Serving Students Under Age 7

- Early Childhood Special Education (ECSE)
- Academic and Behavioral Strategist (ABS)

#### Special Education Licenses Currently Serving Students Age 7 and Up

- Academic and Behavioral Strategist (ABS)
- Emotional Behavioral Disorders
- Autism Spectrum Disorders
- Developmental Disabilities
- Learning Disabilities
- Developmental Adapted Physical Education
- Oral/Aural Deaf Education
- Deaf or Hard of Hearing
- Blind or Visually Impaired

Data on the number of license holders and other information can be found on PELSB's [Data Dashboard](#).

### Available Preparation Programs

#### Academic and Behavioral Strategist

**20 Providers:** Augsburg University, Bemidji State University, Bethany Lutheran College, Bethel University, College of St. Scholastica, Hamline University, Learning Disabilities Association of Minnesota, Martin Luther College, Metro State University, Minneapolis Public Schools, Minnesota State University Mankato, Minnesota State University Moorhead, Southwest Minnesota State University (Marshall), St. Cloud State University, The New Teacher Project (TNTP), University of Minnesota Duluth, University of Minnesota Twin Cities, University of St. Thomas, Walden University, Winona State University

#### Early Childhood Special Education

**6 Providers:** Minnesota State University Mankato, Minnesota State University Moorhead, Southwest Minnesota State University (Marshall), St. Cloud State University, University of Minnesota Twin Cities, and University of St. Thomas

## Shortage Area Considerations

While both ABS and ECSE license areas appear as shortage areas in Minnesota, ABS licensure currently represents one of the areas with the highest proportion (24.78%) of teachers holding a Tier 1 License, Tier 2 License, or Out-of-Field Permission. The [2025 Supply and Demand report](#) provides additional information.

## Rule Revision Options, if the age limit is increased for Developmental Delay

### Academic and Behavioral Strategist

Examination of preparation standards for possible revisions

### Early Childhood Special Education

Would require expansion of scope to recommended age limit and revision of standards to reflect instruction above age 6

## Further History and Context

Minnesota uses a hybrid model of disability specific and cross-categorical special education teaching licenses. In 2013, the Academic and Behavioral Strategist (ABS) license was created, which allows the teacher to provide evaluation and specially designed instruction to eligible children and youth with disabilities from kindergarten through age 21 who have a range of mild to moderate needs in the areas of academic, behavior, social/emotional, communication, and functional performance. **The Academic and Behavioral Strategist license and the Early Childhood Special Education license are currently the only two cross-categorical special education teaching licenses in Minnesota.**

A community partner advisory group to PELSB is meeting currently to examine **whether there is a need for a third cross-categorical license area for moderate to severe needs in Minnesota.**

In March of 2022, as part of the rulemaking process to revise the ECSE licensure standards, PELSB proposed **expanding the scope of the ECSE license from “birth through age 6” to “birth through grade 3.”** The board received 25 comments, mainly focusing on whether the scope of the ECSE license should be expanded. Comments were submitted by several community partners, including teachers, teacher educators, and school administrators. Given the mixed response from commenters and that Minnesota’s Developmental Delay Criteria rule (Minn. R. 3525.1351) is through age six, in July 2022 the board voted to remove the proposed scope change and proceed only with the proposed changes to the licensure standards. This change would need to be reconsidered if ECSE teachers will be expected to provide service to students under Developmental Delay.

## Implications of Potential Licensure Change

Licensure standards describe the license-specific knowledge and skills a teacher candidate completing a board-approved teacher preparation program or Licensure via Portfolio must demonstrate to be recommended for a

Tier 3 license (a professional license). **Any changes to licensure standards will not impact existing ABS or ECSE teachers holding a Tier 3 or Tier 4 license.**

**Persons likely to be affected by changes to Minnesota teacher licensing rules** are teacher educators, ECSE and/or ABS licensure candidates, Minnesota school districts (including charter schools), and children ages 7-9 and their families.

PELSB anticipates that there would be costs and anticipated effects on state revenue for PELSB, itself. PELSB would be responsible for facilitating the review of any licensure program updates following rule adoption.

Board-approved **licensure programs would bear the costs for complying with any rule revision.** Each provider would need to evaluate their existing licensure programs to determine whether their programs meet the new standards. For some programs, this may mean revising, adding, or deleting courses for licensure candidates. The time for review and the scope of changes will vary between programs across the state.