

## **Developmental Delay in Special Education**

### **February 2019**

#### **What is the eligibility criteria for Developmental Delay (DD)?**

In special education (ages 3 through 9), DD eligibility requires a student to be 1.5 standard deviations or more below the mean in 2 or more developmental areas or domains and also experience an adverse impact on developmental progress for Early Childhood Special Education or educational performance for school age.

#### **What causes developmental delay?**

A variety of circumstances can lead to experiencing a developmental delay. Some risk factors include complications at birth, environmental issues, or other medical conditions that impact a child's developmental milestones and daily functioning.

#### **What are the developmental areas/domains and what do they mean?**

The five developmental areas/domains are communication, adaptive, physical, social/emotional, and cognitive development.

- Communication - includes expressive and receptive language skills
- Adaptive - includes general self-help and independence skills
- Physical - includes gross and fine motor skills
- Social/Emotional - includes positive self and interaction skills
- Cognitive - includes problem solving and skills of acquiring, retrieving and using information

#### **What is the age range?**

DD eligibility is available to students aged 3 through 9 years old. Services lapse at the end of the day before the student's 10th birthday. Teams must be cognizant of the date of birth for each student who is identified with school age DD eligibility.

#### **When will school age DD eligibility be available?**

July 1, 2019.

#### **How might this change transition practices?**

Any change in practices related to transition between Early Childhood Special Education (ECSE) and school age special education are dependent on how ECSE contractors and school district have operated. ECSE eligibilities are in effect until September 1. Transitions for students with DD should not be significantly different from transitions for all students.

**What can teams do prior to July 1 and what are some tips for interagency collaboration between ECSE & district teams?**

Communication is key. ECSE providers and school districts should continue to work closely together to discuss needs of all incoming kindergarteners, identify whether additional assessments are needed, determine if a given student qualifies for a more appropriate, categorical disability, and participate in any related meetings to ensure smooth transitions.

For students who are currently identified with DD for ECSE services who are transitioning to kindergarten, teams should review existing information and determine if the student meets school-age criteria, including if there is an adverse impact on educational progress or if a different eligibility category meets the student's current needs to continue services when the student begins kindergarten. Teams should document the information included in the decision, determine if additional assessments are needed and develop an IEP, if appropriate, to go into effect when the student begins kindergarten, after July 1, 2019.

**What is the difference between ECSE and school age DD eligibility?**

Although there is overlap in the definition, criteria, and related documents, the main differences lie in ECSE DD eligibility being rooted in developmental impact, while school age DD eligibility focuses on educational impact. Therefore, an IFSP for an ECSE student with DD may include more family-oriented and developmental goals while the IEP is focused on adequate progress towards grade level standards and expectations. In both, teams are working towards creating plans that support the whole child.

**Why are we allowed to use DD in school age?**

During the 2018 Oregon legislative session, House Bill 4067 was passed, and Oregon joined over 30 other states to expand DD into school-age special education.

**Are there required assessments to use if a team suspects a developmental delay, and are any of these the same in school-age and ECSE?**

There is no specific list of assessments. Teams will need to ensure the measures are appropriate for the student's age, developmental level, and areas of suspected delay. Some of the instruments could be the same, while some may not be appropriate for school age. Assessments used to address the individual domains could be appropriate. Please review the definitions of each domain; for example, cognitive does not equal IQ.

The DD Stakeholder Group has identified the following examples of assessments utilized by Oregon districts that assess all five developmental areas:

- Battelle Developmental Inventory- 2NU: Birth - 7 years 11 months
- Brigance IED III: Birth - 7 years
- Developmental Profile 3: Birth - 12 years
- Developmental Assessment of Young Children-2: Birth - 5 years 11 months

**When will we know if the legislature is able to revise the language in the statute?**

When House Bill 4067 was written, the final language indicates developmental delay eligibility is available for students in third grade or lower. Federal regulations allow for the availability of DD eligibility for students aged three through nine. A proposal has been made to align Oregon law with the language in the federal regulations during the current legislative session, which ends on June 30, 2019.

**What should teams do if a student does not require Specially Designed Instruction?**

If no specially designed instruction is required, the student does not meet eligibility criteria. The team should be cognizant of the possible need for accommodations under Section 504 of the Rehabilitation Act.

**What should teams do if a student is eligible under DD and turning 10 years old?**

Once a child has reached 10 years of age, they are precluded from being eligible for special education services under the category of DD.

It is critical to note that many students who are appropriately served under the category of DD through the age of nine will continue to be a child with a disability eligible for special education services under a different category. IEP teams must proactively seek reevaluations to determine appropriate eligibility(ies) prior to a student aging out of eligibility and within the required timelines. Children can be exited from the DD eligibility prior to aging out when an IEP team has determined that another disability category more appropriately describes the child's needs. Additionally, teams may determine the child no longer qualifies for or requires special education services.