

# School-Age Development Delay Questions & Answers

1. *Please explain what any child not yet 10 years old by April 6, 2023, may be evaluated for eligibility in special education under the Developmental Delay disability category means?*

The developmental delay definition expanded to include a child who is at least three years of age and **less than 10 years of age**, who is experiencing developmental delays and needs special education and related services as defined by the operating standards adopted by the State Board of Education.

"Developmental delay" means a child who is experiencing a delay as determined by an evaluation team, IEP team and other qualified professionals in one or more of the following areas of development:

- Physical development
- Cognitive development
- Communication development
- Social or emotional development
- Adaptive development

A school district may choose to use the term "developmental delay" as defined in rules [3301-51-01](#) and [3301-51-03](#) of the Ohio Administrative Code (OAC) for children who are experiencing developmental delays and who, by reason thereof, need special education and related services under the following conditions:

- The applicability of the term shall be based upon the individual needs of the child as determined by the evaluation team or the IEP team and other qualified professionals.
- In addition to the assessments required to determine eligibility as a child with a disability under the Individuals with Disabilities Education Act (IDEA), the results of appropriate diagnostic instruments and procedures may also be used to help make the determination that a child is eligible under the disability category of "developmental delay."
- Although a standard score may not be used as the sole factor in making the determination that a child has a developmental delay, the determination may be substantiated by a delay of 2 standard deviations below the mean in one or more of the areas of development or 1.5 standard deviations below the mean in two or more of the areas of development.

2. *For school-age students (not preschool), can the district initiate an evaluation because it suspects Developmental Delay as a disability category?*

Yes, the evaluation team could suspect Developmental Delay as a disability category as it is a school-age disability category. Refer to the guidance for the disability categories.

Developmental Delay is now a school-age disability category, therefore the evaluation procedures for school-age students must be used. In conducting an initial evaluation or the reevaluation for a child with a disability, the evaluation must be sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.

The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status and motor abilities. ([34 C.F.R. § 300.304](#))

3. *Do we know if the definition/criteria in the operating standards will be altered in Developmental Delay other than the age change, or is the age change the only change to the Developmental Delay definition?*

The only substantive change in the definition will be the age change. The language was aligned with the preschool rule, Ohio Administrative Code (OAC) [3301-51-11](#).

4. *Which evaluation planning form should the districts use for reevaluations from preschool to kindergarten transitions? There has been ongoing confusion across the state about which one to use (PK Planning or School Age). Will this change due to Developmental Delay being extended?*

It is a district's decision as to which evaluation process and planning form to use. However, if the child returns to preschool, the school-age planning form would not be compliant for preschool. If the IEP team is confident that the child is going to stay in kindergarten, then the school-age planning form may be used. For additional information on preschool Development Delay guidance, please visit [Developmental-Delay-Definition-Age-Expansion-Q-A-JAN-2023.pdf.aspx \(ohio.gov\)](#).

5. *The IEP team determines whether the child's Developmental Delay category should be changed when transitioning from preschool to kindergarten. Does the district have the authority to mandate that all preschool Developmental Delay students transitioning to kindergarten be reevaluated?*

The child with a Developmental Disability category can transition to kindergarten. The IEP team should review the child's IEP before the transition takes place. The IEP team will need to determine when the child's preschool services end and the school-age services begin. There should be no disruption in special education and related services due to the preschool to kindergarten transition. The district should document this information and provide a Prior Written Notice (PR-01) to the child's parent confirming when preschool services end and school-age services begin. ([Developmental-Delay-Definition-Age-Expansion-Q-A-JAN-2023.pdf.aspx \(ohio.gov\)](#))

If a school district uses the term "developmental delay" for children described in [§300.8\(b\)](#), the school district must conform to both the state's definition of that term and to the age range that has been adopted by the state.

6. *Under what areas can children be found eligible in Developmental Delay - cognitive, communication, fine motor, gross motor, adaptive, social-emotional? Any others?*

"Developmental delay" means a child who is experiencing a delay as determined by an evaluation team, IEP team and other qualified professionals in one or more of the following areas of development:

- Physical development;
- Cognitive development;
- Communication development;
- Social or emotional development; or
- Adaptive development.

The evaluation team must use the evaluation planning form when determining suspected disability areas to assessed.

7. *Will the same 2 Standard Deviations in one area or 1.5 Standard Deviations in two areas be the criteria, or will scores of school-age students be considered differently?*

A school district may choose to use the term "developmental delay" as defined in rules [3301-51-01](#) and [3301-51-03](#) of the Administrative Code for children who are experiencing developmental delays and who, by reason thereof, need special education and related services under the following conditions:

- The applicability of the term shall be based upon the individual needs of the child as determined by the evaluation team or the IEP team and other qualified professionals.
- In addition to the assessments required to determine eligibility as a child with a disability under the Individuals with Disabilities Education Act (IDEA), the results of appropriate diagnostic instruments and procedures may also be used to help make the determination that a child is eligible under the disability category of "developmental delay."
- Although a standard score may not be used as the sole factor in making the determination that a child has a developmental delay, the determination may be substantiated by a delay of 2 standard deviations below the mean in one or more of the areas of development or 1.5 standard deviations below the mean in two or more of the areas of development.
- "Developmental delay" means a child who is experiencing a delay as determined by an evaluation team, IEP team, and other qualified professionals in one or more of the following areas of development:
  - Physical development;
  - Cognitive development;
  - Communication development;
  - Social or emotional development; or
  - Adaptive development.

8. *Can a child be found eligible in just one area, such as fine motor, under Developmental Delay? If a student is identified solely for occupational therapist (OT) or physical therapist (PT) through a Developmental Delay evaluation, would each developmental area still need to be reassessed in subsequent reevaluations?*

A child could be found eligible in just one area, such as fine motor, under Developmental Delay. (See #7 response).

Each developmental area will need to be considered for reevaluation using the school-age evaluation planning form. The ETR Team, which is the IEP Team for a re-evaluation, will determine in the ETR planning process the areas of evaluation. In evaluating each child with a disability, the evaluation must be sufficiently comprehensive to identify all of the child's special education and related service needs, whether or not commonly linked to the disability category in which the child has been classified. (Ohio Administrative Code (OAC) [3301-51-06](#))

Although a standard score may not be used as the sole factor in making the determination that a child has a developmental delay, the determination may be substantiated by a delay of 2 standard deviations below the mean in one or more of the areas of development or 1.5 standard deviations below the mean in two or more of the areas of development.

9. *Can Developmental Delay be the only category suspected for an evaluation of a school-age child or do the other disability categories have to be considered first?*

No, the Developmental Delay category may be the only category considered. However, the evaluation must be sufficiently comprehensive to identify all of the child's special education and related service needs, whether or not commonly linked to the disability category in which the child has been classified. The child must be assessed in all areas related to the suspected disability including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status and motor abilities. ([34 C.F.R. 300.304](#))

10. *Can a child transition to kindergarten under Developmental Delay or must a transition evaluation be done to consider other categories first?*

As of April 6, 2023, the Developmental Delay disability category is available to school-age students. Therefore, a child transitioning into kindergarten from preschool does not need to be reevaluated as they are identified under a school-age category. However, if the team determines that the educational or related service needs, including improved academic achievement and functional performance of the child, warrant a reevaluation, then the team may decide to initiate a reevaluation. ([34 C.F.R § 300.303](#))

11. *If age-eligible students transfer into the district under Developmental Delay, does an evaluation need to be completed to consider school-age categories or can the Developmental Delay ETR be accepted as is?*

If a child with a disability transfers to a new school district of residence in Ohio and enrolls in a new school within the same school year, the new school district of residence in consultation with the parents must provide the child with a free and appropriate public education (FAPE), including services comparable to those described in the child's IEP from the previous school district of residence, until the new school district of residence does one of the following:

- Conducts an evaluation (if determined to be necessary by the new school district of residence); and
- Develops, adopts, and implements a new IEP, if appropriate, that meets the applicable requirements.

The IEP team will decide whether to adopt the ETR and IEP of a transfer student. If the IEP team decides not to adopt the ETR and IEP of a transfer student, it must conduct an evaluation and develop a new IEP. If the student transfers from an Ohio school, the evaluation is a reevaluation. If the student transfers from a state other than Ohio, it will be an initial evaluation. The ETR and IEP must be documented on the Ohio-required forms. ([34 C.F.R. § 300.323](#))

12. *When a student is labeled Developmental Delay beyond preschool (K, 1, 2), does that Developmental Delay label mean that student would count as 1.6 on the weighted caseload for a speech-language pathologist (SLP)? We know that if the school-based SLP has a mixed caseload which includes preschool that the student would count as weighted if in preschool, but what about students who are Developmental Delay and in early elementary? Would they be weighted?*

No. The [Ohio Operating Standards for the Education of Children with Disabilities](#) requires all service providers' caseloads to be determined using a workload approach. According to the Ohio Administrative Code (OAC) [3301-51-09\(I\)](#) (Service provider workload determination for delivery of services), schools must determine the workload for an individual service provider by considering all areas of service. Workload includes, but is not limited to, school duties, staff meetings, professional development, supervisions, travel/transitions, screening, assessment, evaluation, progress documentation and reporting, secondary transition service planning, conference/consultation pertaining to individual students, documentation for individual students and third-party billing requirements. Workload also incorporates the severity of each eligible child's need and the level and frequency of services necessary to provide a free and appropriate public education. Also included in determining workload is the time needed for planning in accordance with paragraph (A)(9) of rule [3301-35-05](#) of the Ohio Administrative Code, including statutory and/or contractual agreements applicable to the educational agency.

A SLP may serve students in all disability categories, including school-age and preschool children. The applicable rule, Ohio Administrative Code (OAC) [3301-51-09\(I\)\(3\)\(f\)](#) for caseload maximums for SLPs, states that a SLP shall provide services to no more than 80 school-age children with disabilities or no more than 50 school-age children with multiple disabilities, hearing impairments autism, or

orthopedic/other health impairment or no more than 50 preschool children with disabilities. When a SLP is providing services to a combination of preschool and school-age children with disabilities and children with multiple disabilities, hearing impairment, autism, or orthopedic/other health impairments, the maximum caseload will be proportionate to the above ratios.

An uncomplicated way to determine “proportionate ratios” is to use a caseload maximum of 80 children and count those students who would have a caseload cap of 80 as “1” and those who have a caseload cap of 50 as “1.6” (the ratio of 50 to 80). Each school-age child would count as “1” and each preschool child, child with multiple disabilities, hearing impairments, autism or orthopedic/other health impairments) as “1.6.”

School-age children identified under Developmental Delay are included in the school-age category which has a caseload maximum of 80 children. Children identified under Developmental Delay would count as “1” when determining a proportionate ratio of school-age children.

The disability category of Developmental Delay is a new disability category for school-age students. SLPs and other service providers are advised to keep data on the workload demands of children identified in the Developmental Delay disability category. These data will be essential in informing state caseload regulations going forward. It is imperative that the required workload approach to assigning caseloads be implemented with fidelity to ensure that all students with disabilities, including students who are identified under the disability category of Developmental Delay, are receiving a free and appropriate public education.

13. *What would the caseload maximum be for an intervention specialist serving school-age students identified under Developmental Delay?*

The Ohio Operating Standards for the Education of Children with Disabilities requires all service providers’ caseloads to be determined using a workload approach. According to the Ohio Administrative Code (OAC) [3301-51-09\(I\)](#) (Service provider workload determination for delivery of services) schools must determine the workload for an individual service provider by considering all areas of service. Workload includes, but is not limited to school duties, staff meetings, professional development, supervisions, travel/transitions, screening, assessment, evaluation, progress documentation and reporting, secondary transition service planning, conference/consultation pertaining to individual students, documentation for individual students and third-party billing requirements. Workload also incorporates the severity of each eligible child’s need and the level and frequency of services necessary to provide a free and appropriate public education. Also included in determining workload is the time needed for planning in accordance with paragraph (A)(9) of rule [3301-35-05](#) of the Ohio Administrative Code, including statutory and/or contractual agreements applicable to the educational agency.

An intervention specialist may serve multiple categories of children with disabilities. The ratio for this service shall be determined in accordance with the workload requirements and shall not exceed 16 children at the elementary level. The age range shall not exceed 60 months within any one instructional period and services shall be provided in accordance with each child’s IEP. Schools are required to use the workload approach to assigning caseloads.

The disability category of Developmental Delay is a new disability category for school-age students. Intervention specialists and other service providers are advised to keep data on the workload demands of children identified in the Developmental Delay disability category. These data will be essential in informing state caseload regulations going forward. It is imperative that the required workload approach to assigning caseloads be implemented with fidelity to ensure that all students with disabilities, including students who are identified under the disability category of Developmental Delay, are receiving a free and appropriate public education.

14. *How do we ensure the Developmental Delay disability category does not become an area of overidentification of students who may just need additional support?*

School districts have policies and procedures in place such as intervention assistance teams to determine whether a disability is suspected.

Each school district shall adopt and implement written policies and procedures, approved by the Ohio Department of Education's Office for Exceptional Children, to ensure that a referral process is employed to determine whether or not a child is a child with a disability. (Ohio Administrative Code (OAC) [3301-51-06](#))

Consistent with rule [3301-35-06](#) of the Ohio Administrative Code, each school district shall provide interventions to resolve concerns for any preschool or school-age child who is performing below grade-level standards.

15. *Will there be information regarding EMIS coding relating to Developmental Delay?*

The EMIS Manual Section 2.5 Student Attributes – Effective Date (FD) Record will be updated to reflect reporting guidance for the disability condition 16 option. [FY23-EMIS-Manual\\_Combined.pdf.aspx \(ohio.gov\)](#).

16. *Will the same evaluation requirements be in place as preschool, in terms of criterion-referenced, norm-referenced assessment, observation, parent input, etc.?*

In conducting the evaluation, the school district must use a variety of assessment tools and strategies to gather relevant functional, developmental and academic information about the child, including information provided by the parent, that may assist in determining whether the child is a child with a disability, and the content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities). ([34 C.F.R. 300.304](#))

The IEP team must use all information, including both qualitative (specific skills) and quantitative (test scores) to document the delays. There should not be an overreliance on standardized test scores as the basis for eligibility determination. Results from norm-referenced instruments may be used to document significant delays of at least 1.5 standard deviations below the mean in 2 or more of the developmental areas.

Additionally other instruments such as classroom-based assessments, criterion-referenced assessments and curriculum-based assessments may be used to document the significant delays. Refer to the evaluation methods and strategies on the individual evaluator's assessment form.

17. *If a student was determined in preschool under the Developmental Delay category, then the category was changed to another category when the student transitioned to kindergarten, can the parent request the student return to the previous Development Delay category?*

It is an IEP team decision to change the disability category. The school district must ensure that a reevaluation of each child with a disability is conducted prior to making a disability category change. ([34 C.F.R. 300.304](#))