

581-015-2127 revisions (IDEA compliance)

Developmental Delay

(1) Early Intervention (age birth through two) in accordance with OAR 581-015-2700(10)): "Developmental Delay" means 1.5 standard deviations or more below the mean in two or more of the following developmental areas: Cognitive development; physical development; communication development; social or emotional development; and adaptive development currently affecting or has the potential to significantly affect an infant or toddler's developmental progress.

The infant or toddler's disability does not need to be presently affecting the infant or toddler's development for the infant or toddler to be eligible for EI services

(2) Early Intervention: If an infant or child is suspected of having a developmental delay, a comprehensive evaluation must be conducted, including the following:

- (a) Developmental History as defined in OAR 581-015-2000(9);
- (b) At least one norm referenced, standardized test in each area of suspected delay;
- (c) At least one additional procedure to confirm the child's level of functioning in each area of suspected delay;
- (d) At least one 20-minute observation of the child;
- (e) Review of previous testing, medical data, and parent reports;
- (f) Any additional assessments necessary to determine the impact of the suspected disability;
- (g) Other evaluative information as necessary to determine eligibility.

(3) Early Intervention: If an infant or toddler is suspected of having a developmental delay, a medical examination is not required but may be completed if the evaluation team determines that it is necessary. The purpose of a medical examination is to ensure consideration of other health and/or physical factors that may impact the infant or toddler's development. The medical examination is given by:

- (a) A physician licensed under ORS chapter 677 or by the appropriate authority in another state;
- (b) A naturopathic physician licensed under ORS chapter 685 or by the appropriate authority in another state;
- (c) A nurse practitioner licensed under ORS 678.375 to 678.390 or by the appropriate authority in another state; or
- (d) A physician assistant licensed under ORS 677.505 to 677.525 or by the appropriate authority in another state.

(4) Early Intervention: To be eligible as an infant or toddler with a developmental delay, the infant or toddler must score 1.5 or more standard deviations below the mean in two or more of the developmental areas:

- (a) Cognitive development;
- (b) Physical development;
- (c) Communication development;
- (d) Social or emotional development; and
- (e) Adaptive development.

(5) Early Intervention: For an infant or toddler to be eligible for early intervention services as an infant or toddler with a developmental delay, the eligibility team must determine that:

- (a) The infant or toddler has a developmental delay as defined in this rule; and
- (b) The infant or toddler is eligible for early intervention services in accordance with OAR 581-015-2780.

(6) Early Childhood Special Education (age 3 through 5) and School Age (age 5 through 9): "Developmental Delay" means 1.5 standard deviations or more below the mean in two or more of the following developmental areas for Early

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Childhood Special Education and school-aged special education (age 3 through 9), that adversely affects a child's developmental progress when the child is three to kindergarten and the student's educational performance when the student is kindergarten through age nine;

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(a) Cognitive development;

(b) Physical development;

(c) Communication development;

(d) Social or emotional development; and

(e) Adaptive development.

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(47) Early Childhood Special Education and School Age: If a child is suspected of having a developmental delay, a comprehensive evaluation must be conducted, including the following:

(a) Developmental History as defined in OAR 581-015-2000(89);

(b) At least one norm referenced, standardized test in each area of suspected delay;

(c) At least one additional procedure to confirm the child's level of functioning in each area of suspected delay;

(d) At least one 20-minute observation of the child;

(e) Review of previous testing, medical data, and parent reports;

(f) Any additional assessments necessary to determine the impact of the suspected disability:

(A) On the child's developmental progress for a preschool child (age 3 through 5); or

(B) On the child's educational performance for a school-age child (age 5 through 9); and

(g) Other evaluative information as necessary to determine eligibility.

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(38) Early Childhood Special Education and School Age: If a child is suspected of having a developmental delay, a medical examination is not required but may be completed if the evaluation team determines that it is necessary. The purpose of a medical examination is to ensure consideration of other health and/or physical factors that may impact the child's developmental progress age 3 through 5 or the child's educational performance age 5 through 9. The medical examination must be conducted by:

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(a) A physician licensed under ORS chapter 677 or by the appropriate authority in another state;

(b) A naturopathic physician licensed under ORS chapter 685 or by the appropriate authority in another state;

(c) A nurse practitioner licensed under ORS 678.375 to 678.390 or by the appropriate authority in another state; or

(d) A physician assistant licensed under ORS 677.505 to 677.525 or by the appropriate authority in another state.

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(29) Early Childhood Special Education and School Age: To be eligible for special education services as a child with a developmental delay, the child must meet all of the following minimum criteria: score 1.5 or more standard deviations below the mean in two or more of the developmental areas:

(a) Cognitive development;

(b) Physical development;

(c) Communication development;

(d) Social or emotional development; and/or

(e) Adaptive development.

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(310) Early Childhood Special Education and School Age: For a child to be eligible for special education services as a child with a developmental delay, the eligibility team must also determine that:

(a) For a child age 3 to through 5, the child's disability has an adverse impact on the child's developmental progress; or

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- (b) For a child age 5 through 9, the student's disability has an adverse impact on the student's educational performance.
- (c) The team has considered the child's special education eligibility, and determined that the eligibility is not due to a lack of appropriate instruction in reading, including the essential components of reading instruction (phonemic awareness, phonics, vocabulary development; reading fluency/oral reading skills; and reading comprehension strategies); and is not due to a lack of appropriate instruction in math; and is not due to limited English proficiency; and is not due to another disability.
- (d) The child needs special education services as a result of the delay.
- (a) The child has a developmental delay as defined in [this rule](#); and
- (b) The child [is](#) eligible for special education in accordance with [OAR 581-015-2795](#) and/or [OAR 581-015-2120](#).

Statutory/Other Authority: [ORS 326.051, 343.035\(1\), 343.045, 343.146 & 343.157](#)
Statutes/Other Implemented: [ORS 326.051, 343.035\(1\), 343.045, 343.146 & 343.157](#) ; [CFR 300.8 & 300.306](#)
History:
[ODE 23-2019](#), adopt filed 07/01/2019, effective 07/01/2019
[ODE 15-2019](#), temporary adopt filed 05/17/2019, effective 05/17/2019 through 11/12/2019

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