\*Tracked changes version follows the clean copy

**Clean Copy**

581-015-2127

Developmental Delay

(1) Definition of Developmental Delay. “Developmental Delay” means,

(a) For Early Intervention, 2 standard deviations or more below the mean in one or more of the developmental areas, or 1.5 standard deviations below the mean in two or more of the developmental areas;

(b) For Early Childhood and School Age Special Education, 1.5 standard deviations or more below the mean in two or more of the developmental areas; that

(A) For age 3 to kindergarten, adversely affects the child's developmental progress;

(B) For kindergarten to age 9, adversely affects the student's educational performance.

(c) For the purposes of this rule, the developmental areas are: (i) Cognitive development; (ii) Physical development; (iii) Communication development; (iv) Social or emotional development; and (v) Adaptive development.

(2) Comprehensive Evaluation: If a child is suspected of having a developmental delay for Early Intervention, Early Childhood or School Age Special Education services must be conducted, the following evaluation must be conducted:

(a) For Early Intervention:

(A) At least one norm-referenced, standardized test addressing the infant or toddler’s level of functioning in each of the developmental areas;

(B) At least one additional procedure to confirm the infant or toddler’s level of functioning in each area of suspected delay listed in this rule;

(C) At least one 20-minute observation of the infant or toddler;

(D) All evaluations and assessments of an infant or toddler must be conducted in the native language of the child, unless it is clearly not feasible to do so.

(b) For Early Childhood and School Age Special Education:

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

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

(i) On the child's educational performance for a school-age child; or

(ii) On the child's developmental progress for a preschool child;

(c) For Early Intervention, Early Childhood, and School Age Special education:

(A) A review of previous testing, medical data and parent reports; and

(B) Any other evaluative information as necessary to determine eligibility.

(3) Eligibility Criteria: To be eligible for services as a child with a developmental delay,

(a) For Early Intervention, the infant or toddler must meet one of the following minimum criteria.

(A) 2 or more standard deviations below the mean in one or more of the developmental areas; Or

(B) 1.5 or more standard deviations below the mean in two or more of the developmental areas; OR

(C) Medical Examination as defined in OAR 581-015-2000. Documentation of a medical examination which includes a diagnosed physical or mental condition that has a high probability of resulting in developmental delay.

(b) For Early Childhood and School Age Special Education, the child must meet all of the following minimum criteria.

(A) 1.5 or more standard deviations below the mean in two or more of the developmental areas;

(4) Eligibility Determination: To be eligible for special education services as a child with a developmental delay for Early Intervention, Early Childhood or School Age Special Education services, the eligibility team must also determine that:

(A) The child has a developmental delay as defined in this rule; and

(B) The child is eligible for services in accordance with Early Intervention (OAR 581-015-2780), Early Childhood special education (OAR 581-015-2795), or School Age special education (OAR 581-015-2120).

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(D) All evaluations and assessments of an infant or toddler must be conducted in the native language of the child, unless it is clearly not feasible to do so.

(b) For Early Childhood and School Age Special Education:

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

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

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