

## **Recommendation and Rationale for Revising the Ohio Revised Code Section pertaining to the age range of the developmental delay (DD) definition. (ORC 3323.01)**

Recommendation: To revise ORC 3323.01 to increase the eligibility age in the definition of DD to age 9 years. Federal regulations and IDEA allow for this.

Rationale:

- DD is a special education eligibility category defined by the Individuals with Disabilities Education Act (IDEA). It is assigned when children do not meet the expected milestones in several areas of development.
- The Center for Disease Control and Prevention (CDC) has found that approximately 1 in 6 children in the U.S. had a developmental disability. Studies also show the prevalence of DD among US children ages 3-17 years is increasing.
- A child with a DD can often make progress towards improving and can eventually overcome. Children with a delay may reach developmental milestones as they grow and mature, especially with the right interventions and supports in place.
- IDEA allows a child to carry the DD disability category on his/her IEP after age nine. Ohio, however, restricts the definition of DD children to age 5 and under.
- Evaluation team experiences indicate that children identified as DD are not always “caught up” by age 5, school age. A reevaluation at age 5 cannot always clearly determine the specifics of a disability, or the reason for continued delays.
- Young children may continue to demonstrate persistent DD after reaching school age, despite receiving intensive early intervention and specialized services. They also, however, need the benefits of being with their same-age peers. DD identification through age 9 allows for continuation of services and supports these children need in the school-age general education curriculum alongside same-age peers.
- Some children do not enroll until mandated school-age of 5 years. With an upper age range to 9 years, sufficient opportunities exist for determining students’ response to interventions, assessment trends, and suspected disabilities.
- This proposal would be cost neutral, as the DD special education weight and the school-aged specific learning disability (SLD) weight are identical.
- Children must be reevaluated every three years as required by law. By increasing the DD eligibility age to 9 years, a child could receive three comprehensive, multifaceted evaluations. This would allow for improved sensitivity and specificity of standardized assessments, as well as more dynamic assessment of identified areas of delay.