

Developmental Delay Definition Age Expansion Questions & Answers

Background: The Ohio General Assembly recently passed HB 554 which resulted in the **expanded definition** of “child with a disability” as it pertains to the developmental delay disability category found in Ohio Revised Code Section 3323.01 Education of children with disabilities definitions.

As of the bill’s effective date, April 6, 2023: the definition of a “child with a disability” may include a child who is at least three years of age and **less than ten years of age**, who is experiencing developmental delays, as defined by standards adopted by the state board of education and as measured by appropriate diagnostic instruments and procedures in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development; and who, by reason thereof, needs special education and related services.

Questions:

1. How does the new expanded definition of Developmental Delay impact preschool?

The age of a “child with a disability” who is experiencing developmental delays was changed from at least three years of age and less than six years of age to at least three years of age and **less than ten years of age**. By expanding the age continuum, a preschool student with a disability category of Developmental Delay can

- remain in preschool with the Developmental Delay category even if the child turns six during the school year; and
- transition to kindergarten with the Developmental Delay category.

The significant impact for preschool is that a child no longer “ages out” of the developmental delay eligibility category since this category is no longer considered to be only a preschool grade eligibility category.

2. Do districts need to complete a re-evaluation for a child with the disability category of Developmental Delay in preschool before the child transitions to kindergarten?

No. The Developmental Disability category can transition with the child to kindergarten. The IEP team should review the child’s IEP before the transition takes place, so that the team can ensure that the move from preschool to kindergarten is a positive experience for the child and the child’s family.

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.

The IEP team will also need to consider whether there will or will not be a change in the child's placement. If there is a change in the child's placement, the IEP team should document the location in the Other Information section of the IEP form, and the district provide a Prior Written Notice (PR-01) Form to the child's parent confirming the change. The PR-01 should indicate whether the parent agrees with the change in placement and include the parent's signature.

For additional guidance on planning, developing and implementing the individualized education program (IEP) of a child leaving preschool to enter kindergarten, please refer to the [Preschool to Kindergarten IEP: Preschool to Kindergarten IEP Transition document](#).

3. What is the definition of a child with Developmental Delay?

The language within the definition of a "child with a disability" who is experiencing developmental delays has not changed, except for the age continuum.

"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 requirements for preschool remain the same. Each developmental area must be assessed using at least one of the 5 assessment methods/data sources, and each assessment method/data source must be used at least once. Remember that the evaluation must be sufficiently comprehensive to identify all 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.