

**HB 4067**  
**House Committee on Early Childhood and Family Supports**  
**February 8, 2018**

**Testimony of Genoa Ingram**  
**Oregon Speech-Language and Hearing Association**

The Oregon Speech-Language and Hearing Association (OSHA) is the membership association representing more than 2,200 speech-language pathologists and audiologists in the State of Oregon. The vision of OSHA is the promotion of best practice methods and ethical principles in the professions of audiology and speech-language pathology for Oregonians.

The Association is dedicated to providing the highest quality intervention services to allow Oregonians with communication disorders to reach their full potential in the home, school and community. This overriding philosophy is manifested through

- a) advocacy for those with communication disorders;
- b) provision of the high quality continuing education programs;
- c) support of evidence-based practices that foster the best clinical outcomes delivered in the most efficient manner; and
- d) fostering collaborative relationships amongst members and other entities that are involved with Oregonians that have a communication disorder.

OSHA supports HB 4067 and, in fact, was planning to request similar legislation in 2019 which would extend the special education "non-categorical" eligibility of Developmental Delay through the age of 8 years, 11 months. Attached to my testimony is OSHA's Position Statement including a brief explanation of the problem and rationale for the extension.

On behalf of the Oregon Speech-Language and Hearing Association, thank you for the opportunity to speak in favor of HB 4067.

**Oregon Speech-Language and Hearing Association (OSHA)**  
**Statement regarding the extension of Developmental Delay (DD) eligibility from Early Childhood Special Education (ECSE) through age 8 years, 11 months**

**Position Statement**

OSHA supports the extension of the special education “non-categorical” eligibility of Developmental Delay through the age of 8 years, 11 months. The State of Oregon cannot continue to deny the young children of Oregon special education services because they do not fit in a “category”. It is time that Oregon aligns with IDEA and with an increasing number of states to provide our students with the specially designed instruction and support that they need and, under federal law, deserve.

**Statement of the Problem**

In Oregon, preschool children ages 3 through 5 with identified delays who require specially designed instruction may meet Special Education eligibility criteria under 12 different categories, one of which is “Developmental Delay” or DD. The definition of DD is a documented delay of 1.5 standard deviations below the mean in at least two developmental domains. These domains include motor, communication, social, adaptive, and cognitive (Oregon Administrative Rule [OAR] 581-015-2795).

However, at the age of transition to Kindergarten the eligibility of DD is removed, and children must be found to be eligible under a specific categorical eligibility (OAR 581-015-2805, OAR 581-015-2120) in order to continue to qualify for services. Therefore, in Oregon, our five-year-old students with special education needs must be made to “fit” into a category in order to receive the help they need. We know from our understanding of child development and disability that not all children will fit neatly within these boundaries. Often, these students are found eligible under the category of Communication Disorder, even when they need support and services in multiple areas of development.

**Rationale for Extending Developmental Delay through age 8 years 11 months**

- Reduce or eliminate unnecessary and expensive evaluations prior to entering kindergarten.
- Reduce not only the financial expense for local education agencies but also the burdens that families experience when their children are required to undergo additional assessments for the sole purpose of determining a “school age” eligibility category.
- Reduce over-identification and misidentification of students with a disability.
- Reduce interruptions in services for students by providing appropriate support and intervention from special educators that begins the first day the child enters the kindergarten classroom.
- Alignment with the Individuals with Disabilities Education Act (IDEA) of 2004, in which in addition to categorical eligibility, “a child may also be identified as having a disability if s/he is *aged three through nine* experiencing developmental delays”.
- Alignment with other states, easing transition (and related costs) for students transferring to Oregon schools. Thirty other states now have the age range for developmental delay extended beyond age 5.

**Summary**

OSHA supports the use of Developmental Delay (DD), otherwise known as “Non-Categorical” eligibility, as a Special Education eligibility under which children can qualify for services through the age of 8 years, 11 months. OSHA asks that Special Education services not be denied or delayed for our students with disorders or conditions that do not fit neatly into one of the current “school-age” eligibility categories.