Significant Developmental Delay Label change

Statutory Authority for PI 11

Under s. 227.11 (2) (a) (intro), Stats., "Each agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation." As such, ch. PI 11 is required to effectively implement and provide transparency to the programs involving children with disabilities under Subchapter V of ch. 115, Stats.

As of July 1, 2015 the law will permit the identification of children with significant developmental delay (SDD) through the age of nine rather than to the age of six.

Allowing a child with SDD to be identified through the age of nine will provide a longer window of time to assess whether the child has a specific disability, thus addressing difficulties with accurate assessment and labeling certain children beyond age 6 who are still in need of educational interventions.

The proposed rule change will consider children ages 3 through 9 who are experiencing significant delays in the areas of physical, cognition, communication, social-emotional, or adaptive development to have a significant developmental delay.

If appropriate, a new area of eligibility needs to be determined when the child turns 10 years of age.

This law impacts both initial and re-evaluations.

The current SDD rule (children ages three to the age of six) is in effect for all children who have birthdays, or re-evaluations due, prior to July 1, 2015 (including children with birthdays on or before June 30, 2015).

Public notices have been held with no large questions/concerns bubbling up.

Future guidance will include:

* Frequently Asked Question document,
* ECSE Afterschool Specials Webinar on April 28, on the topic of Significant Developmental Delay focusing on ages 3 – 6 years of age


* Webinars in development for the fall of 2015
* Updated Eligibility Checklist
* Significant Developmental Delay Implementation Guide