

## Questions from December 17, 2019, Webinar on Proposed State Plan Changes

**Q: Do Subsequent Referral Procedures still apply to the MSSD? If so, why is it different from MSD and MSB?**

A: The State Plan for Special Education Regulation XVI does not include any subsequent referral procedures for MSSD. Eliminating the subsequent referral procedures for MSB and MSD and specifying that the public agency will convene an IEP meeting in collaboration with MSB or MSD annually results in all three state board operated programs using a process consistent with the IDEA requirements to determine placement in the least restrictive environment for students enrolled in those programs.

**Q: With the changes in Regulation III, it now seems to read that students ages 3-5 cannot meet Speech Impairment since it is now listed with Language Impairment. I understand YCDD should be used for Communication but that is receptive and expressive language. How are students able to meet for Speech Impairment? To clarify: (1) states except YCDD and Speech or Lang Impairment, (2) states only YCDD, (3) states any disability category other than Speech or Language Impairment, including YCDD.**

A: *Speech* was inadvertently included with *Language Impairment* in the proposed change because they are listed together in Regulation III of the State Plan. However, Language Impairment, Sound System Disorder, Speech – Fluency Disorder, and Speech – Voice Disorder each have separate eligibility requirements and a child age three through five may meet the requirements for being identified as a student with a Sound System Disorder, a Speech – Fluency disorder, or a Speech – Voice disorder when the child meets the age-appropriate criteria described in the State Plan and Compliance Standards and Indicators or the team of qualified professionals determining eligibility supports the use of professional judgement, where such use is appropriate.

When considering eligibility for children ages three through five who are demonstrating delays in language development, the age-appropriate criteria are those described in the *Communication* area for Young Child with a Developmental Delay. A public agency that chooses option 1 would not have any criteria available that considers language development for students ages three through five because they have excluded the use of YCDD. The proposed change was intended to heighten awareness of this for any public agency considering option 1. The proposed change may be adopted with revisions or rejected or adopted as proposed. Public comments will be considered.