



Summary of Revisions to Special Education Operating Standards

January 16, 2008



Background Information

- IDEA 04 became effective December 3, 2004;
- Federal regulations became effective October 13, 2007;
- The state rules are expected to be adopted by the State Board in February 2008;
- The rules will become effective July 1, 2008.



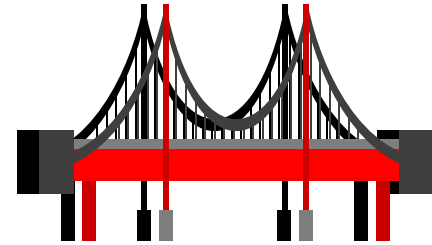
Partnerships

- **Ohio Department of Education**
 - Office for Exceptional Children
 - Office of Early Learning & School Readiness
- **Parent Training & Information Center**
 - Ohio Coalition for the Education of Children With Disabilities
 - Parent Mentors
- **State Support Teams**
- **Stakeholders**



IDEA Outcomes

- High Expectations
- Parental Involvement
- Involvement and Progress in the General Curriculum
- Improved Results
- Highly Qualified Personnel



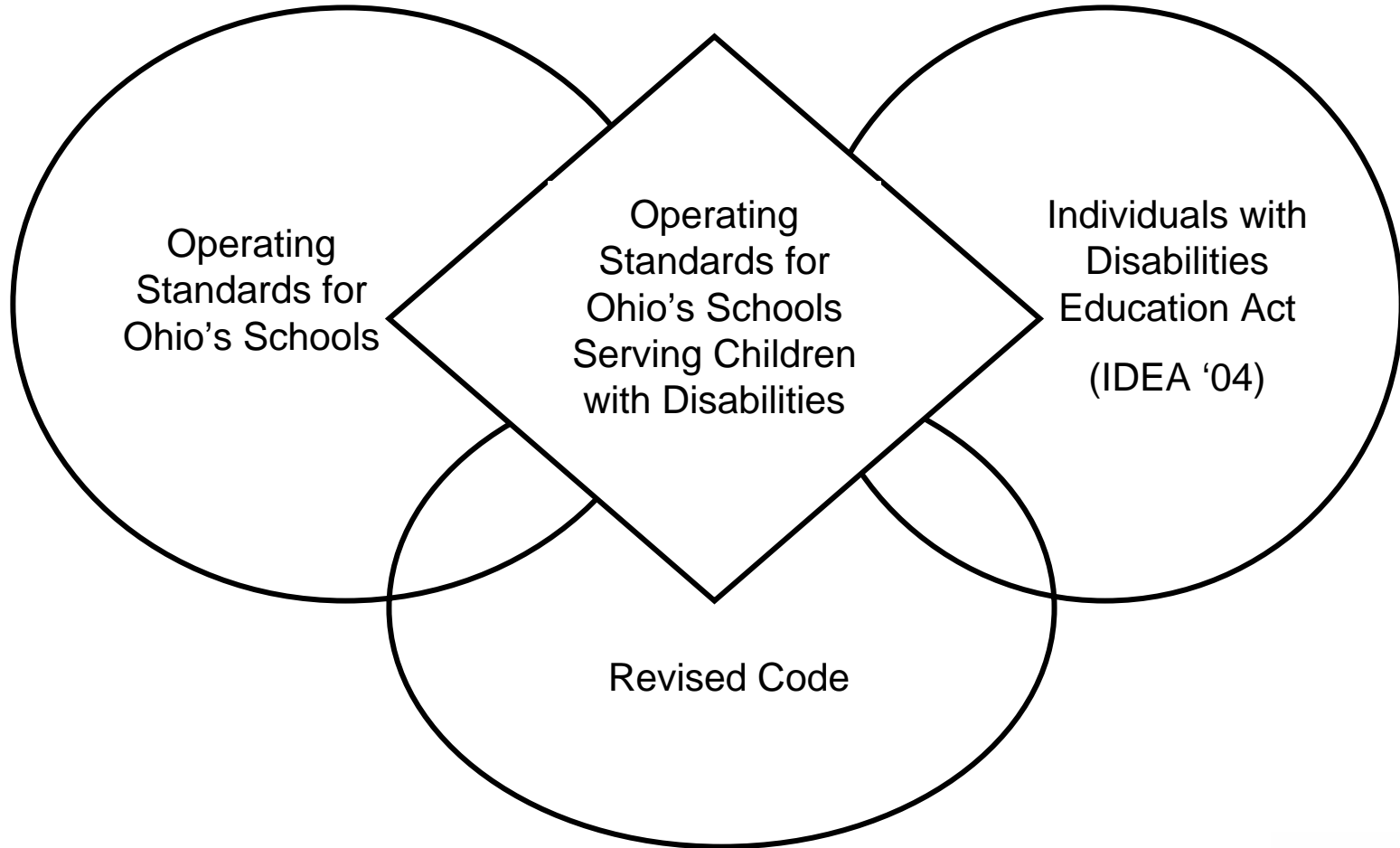


Overall Guidelines

- One comprehensive set of rules for Ohio
- Rules = “the What”
- Guidance Tools= “the How”
- Caseloads/ratios handled via separate process
- Do not include stds. for Gifted & Autism Scholarship Program (ASP)



Need for New Standards





Summary of Rule Chapters

Rule 3301-51-01 Applicability of Requirements and Definitions

Rule 3301-51-02 Free Appropriate Public Education

Rule 3301-51-03 Child Find

Rule 3301-51-04 Confidentiality

Rule 3301-51-05 Procedural Safeguards

Rule 3301-51-06 Evaluations

Rule 3301-51-07 Individualized Education Program

Rule 3301-51-08 Parentally Placed Nonpublic School Children

Rule 3301-51-09 Delivery of Services

Rule 3301-51-11 Preschool SE Requirements



Summary of Changes

- Summarize by Chapter
- Only a summary:
 - Regional Trainings
 - Guidance Documents
 - State Support Teams



Rule 3301-51-01: Applicability of Requirements & Definitions

- Child's DOR is responsible for ensuring FAPE for every child in its jurisdiction, regardless of whether services are provided by another district, educational agency, juvenile justice, other facility, agency, department or entity;
- Each district is responsible for serving a SWD who is living in its district.
- Parents pay for unilateral placements if the placement is not in a "home" and the DOR offered FAPE.



Rule 3301-51-01: Applicability of Requirements & Definitions(Cont'd)

- Definitions:
 - Child who only needs a related service may be a CWD.
 - *Parent* does not include foster parents.
 - *Ward of the State* is defined.



Rule 3301-51-02 Free Appropriate Public Education

- IEP must be in effect for all CWD by the child's third birthday;
- GED not equivalent to regular high school diploma for CWD;
- Nonacademic/extracurricular services must afford CWD an equal opportunity for participation in activities;
- Limited responsibility for surgically implanted medical devices



Rule 3301-51-03 Child Find

- Must still “find” all children, including those potentially participating in the ASP, those not enrolled in the district, those “advancing from grade to grade”, etc.;
- Must have written policies and procedures to conduct child find, and must include notices in newspapers.
- Districts may chose whether they will use the term developmental delay for children ages 3 to 5.



Rule 3301-51-04 Confidentiality

- Know confidentiality law and rule including FERPA;
- Transmittal of records for disciplinary information;
- Records hearing to amend records upon request.



Rule 3301-51-05 Procedural Safeguards

- Combined Rules 3301-51-05 and 3301-51-08;
- Parental consent for initial evaluation;
- Transfer of parental rights at age of majority;
- Surrogate parents;
- Opportunity to exam records;
- Parent participation in meetings;
- Independent education evaluation;
- PWN and procedural safeguards notice;



Rule 3301-51-05 Procedural Safeguards (cont'd)

- Conflict resolution:
 - **Administrative Review**
 - Required to conduct a review upon request of a parent or educational agency with a written decision within 20 calendar days
 - **Mediation**
 - May be requested by either party at any time;
 - **State Complaint Procedures**
 - Outlined in a Q&A document on our website which includes a complaint form;



Rule 3301-51-05: Procedural Safeguards (cont'd)

Due process hearings

- **Sufficiency**
 - Insufficient request may be amended, re-filed or dismissed by IHO;
 - An amended request retains the original filing date;
 - OEC will assist parents in filing a sufficient request by providing TA;
- **Appointment of IHOs/SLROs**
 - Done by OEC; one officer for all hearing procedures;
- **Resolution Process**
 - May request a facilitator to assist in the process;
- **Cost of hearings**
 - Need justification for exceeding 50 hours



Rule 3301-51-05 Procedural Safeguards (cont'd)

- Discipline
 - Type of services provided;
 - IEP team determines services unless < than 10 day removal;
 - Manifestation determination
 - Timelines retained-FBA begun within 10 days of MD; BIP reviewed within 10 days of MD;
 - Expedited due process hearings;
 - “Series of removals” is defined in relation to “change of placement”.

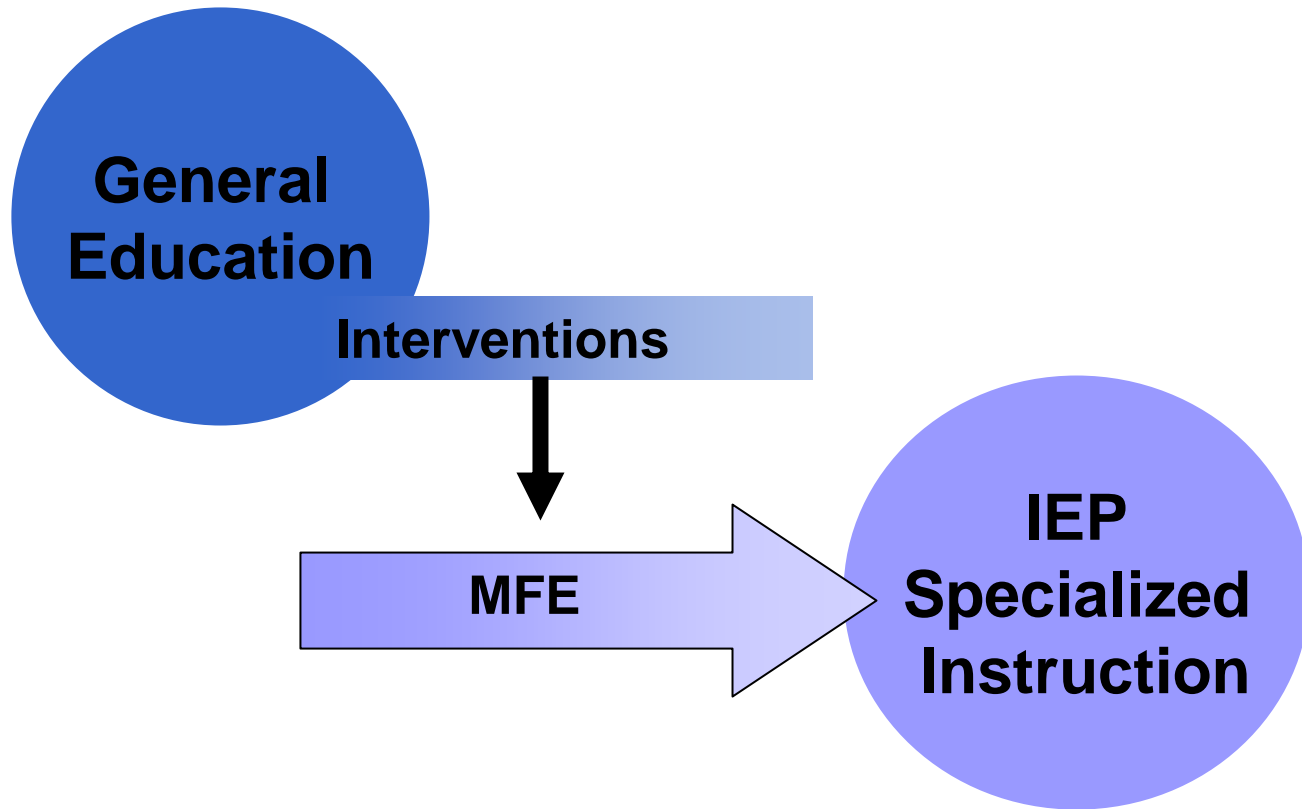


Rule 3301-51-06 Evaluations

- Initial evaluation limited based on parental consent;
- Reevaluations list of when one is required retained except for related services;
- Additional procedures for identifying children with SLD;
 - Must have written procedures for the implementation of any method used to determine the presence of SLD;
 - Use of Interventions required (RTI)
 - Use of Severe Discrepancy allowed
- Copy of ETR must be provided to parents before IEP meeting or within 14 days of ETR meeting.



Implication: Interventions





Rule 3301-51-07 Individualized Education Program (IEP)

- The DOR is responsible for ensuring that an IEP is developed and implemented for every CWD residing in the district;
- DOR must have on file a current IEP and ETR for all CWD being served by other entities;
- Objectives & Benchmarks retained for all IEPs;
- Transition statement still required at age 14.



Rule 3301-51-07 Individualized Education Program (IEP) cont'd

- IEP team meeting participation;
- Parent participation;
- When IEPs must be in effect;
 - Child's third birthday
 - Beginning of each school year
- IEP timeline 30/60/90/120;
- Copy of IEP to parent within 30 days of meeting;
- IEPs for children who transfer districts;
- Nonpublic school may hold IEP meeting at discretion of public school for nonpublic CWD.



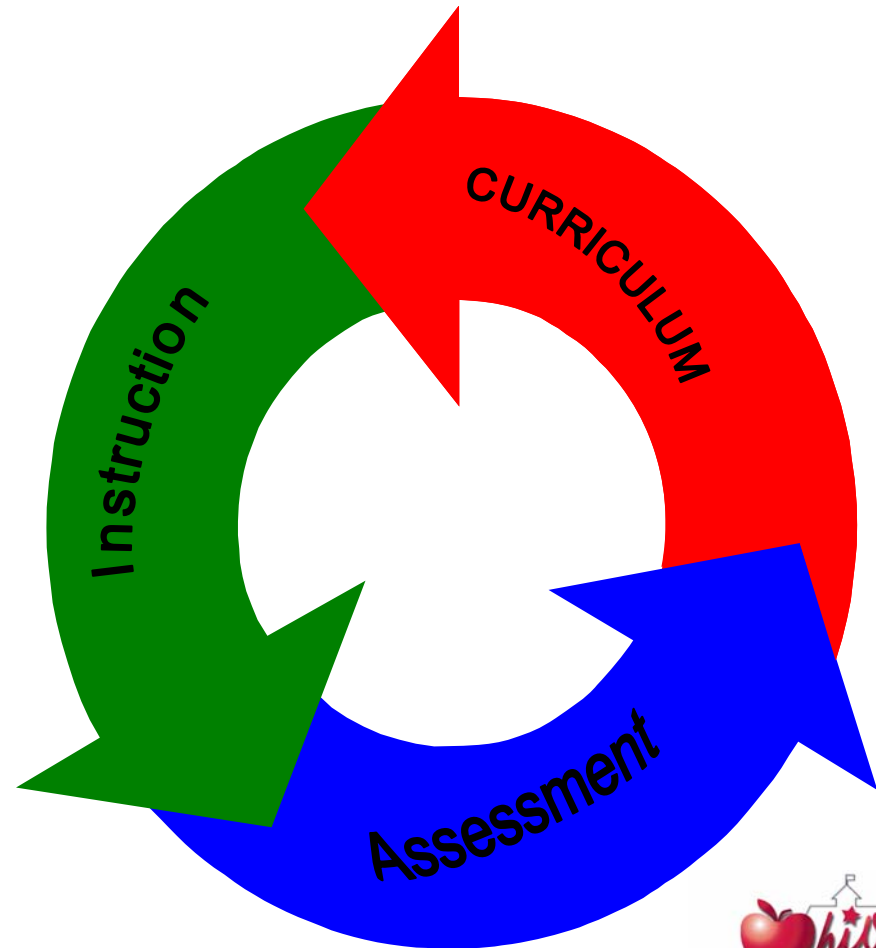
Access to and Progress In the General Curriculum

Supports

Accommodations

Modifications

Adaptations





Rule 3301-51-08 Parentally Placed Nonpublic School Children

- New Rule;
- District where nonpublic school is located does child find, evaluation, identification, and service;
- Child find same as for public school children;
- Offer of FAPE by DOR;
- Confidentiality requirements;
- Child find and evaluations are not funded by proportionate share money;



Rule 3301-51-08 Parentally Placed Nonpublic School Children(cont'd)

- Consultation with chartered and non-chartered nonpublic schools;
- District where nonpublic school located writes and implements ISP;
- State complaints and due process;
- Provision of auxiliary services;
- ASP and Part B/auxiliary services.



Rule 3301-51-09 Delivery of Services

- LRE and placement;
- Length of school day and year;
- Qualifications of service providers;
- Service provider ratios;
 - Clarified class size for children in MH room;
 - Clarified class size for children in mult. cat. room;
 - Clarified age range for children in mult. cat. room;
- Waivers must be requested.



Rule 3301-51-11 Preschool Special Education Requirements

- Transition from early intervention to preschool services;
- Developmental delay defined, LD included as a category;
- If attending kindergarten, counted as a school age child;
- Ratio change for teachers who provide both center-based and itinerant services;
- When to provide transportation.



Tools to Support Implementation

- Leadership Conference
- Regional Trainings
- Guidance Manual
 - Stakeholder review
 - Intended Date = July 1, 2008
 - Revised Forms
- Network of Tools
- Progressive Sanctions



Next Steps (cont'd)

- Regional trainings will be conducted in the spring and summer of 2008;
- All rules to become effective July 1, 2008;
 - ❑ OEC will provide updated required forms, including “Whose IDEA Is This?”, and policies and procedures by July 2008.
 - ❑ A public hearing will be held prior to July 1, 2008 to gather recommendations regarding OEC policy/procedure and required forms;



Finally...

- Questions??
 - Regional Trainings
 - State Support Teams
 - Contact Sandy Kaufman (ODE) at 614-752-1404 or sandy.kaufman@ode.state.oh.us;