**Operating Standards for Ohio Educational Agencies Serving Students with Disabilities**

**Current Status:** The proposed rules were presented to the Achievement Committee of the State Board of Education in December and will be voted out of committee to the full Board in January. The full Board is expected to vote on a Resolution of Intent to amend the rules scheduled for February with final approval anticipated in April, 2014.

**Basic areas of revision/updating of language:**

* 3301-51-01 Applicability of requirements anddefinitions
  + Changes cognitive disability to intellectual disability (was mentally retarded in the past)
  + Aligns the definition of a visual impairment to that of federal language – includes both partial sight and blindness. The term “visual impairment” does not include a disorder in one or more of the basic psychological processes, such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia
  + Clarifies and separates an initial evaluation team from a reevaluation team
  + Transition Services: Clarifies goal of employment in an integrated competitive environment and adds skills needed by personnel to coordinate and provide secondary transition services
* 3301-51-05 Procedural Safeguards
  + Adds the requirement for an initial informed consent for districts to access insurance benefits in the provision of related services and annual notice thereafter.
  + Prior written notice – **removes** language regarding IEPs serving as prior written notice.
  + Notice of Scholarship availability – initial evaluation and annual review of IEP
  + Resolution sessions - **removes** the language regarding discussions being confidential.
* 3301-51-06 Evaluation
  + Removes a required reevaluation for children with disabilities transitioning from preschool to kindergarten, except for those identified as developmentally delayed.
  + Removes additional procedures for identifying children with hearing impairment or deafness
* 3301-51-07 Individualized education program (IEP)
  + Adds comprehensive transition services for students starting at age 14 or earlier if determined appropriate by the IEP team.
  + Adds comprehensive eye exam required notice to parents at the time of the initial IEP.
* 3301-51-08 Parentally placed nonpublic school children
  + Clarifies that the district where the chartered or non-chartered nonpublic school is located is responsible for additional child find activities regarding children who are enrolled in either the “Autism Scholarship Program,” or the “Jon Peterson Special Needs Scholarship Program, as well as a determination of whether or not these children will receive services through a services plan.
  + Clarifies that students on the Autism or Peterson Scholarship may be eligible to receive services funded through IDEA private school proportional share funds if the children meet the eligibility requirements pursuant to rules 3301-103 and 3301-101 of the Administrative Code. Children who are participating in the Autism Scholarship Program and attending either a chartered or non-chartered nonpublic school may be eligible to participate in the early childhood special education flow-through benefits if the children meet the eligibility requirements as outlined in rule 3301-103 of the Administrative Code.
  + Clarifies that the district of residence is not required to make FAPE available to a child with a disability who resides in the district and is participating in either scholarship program, however, the parent of a child participating in either scholarship program has a right to file a written complaint or a request for a due process hearing as provided by rule 3301-51-05 of the Administrative Code. A complaint or request for a due process hearing may allege that the district of residence violated a requirement of IDEA, but may not allege a violation of any requirements involving the implementation of the IEP and whether the child has received FAPE.
* 3301-51-09 Delivery of services
  + Adds clarifying language for the annual training of paraprofessionals specific to the knowledge and skills specific to the students they support, as well as direct supervision of paraprofessionals.
  + Clarifies language for intervention specialists and related service providers regarding workload determination, includes existing ratios with clarification for school psychologists and speech/language pathologists regarding proportionate calculations when mixed caseloads.
* 3301-51-11 Preschool children eligible for special education
  + Clarification that no single source of information, such as a single measure or score, can be used to determine whether a preschool child his or is not eligible for special education.
* 3301-51-21 Providing instructional materials to children with visual impairments and others with print disabilities that are listed for sale by publishers with the superintendent of public instruction.
  + If an electronic textbook (e-book) is not fully accessible on current computer platforms, or is not available as a print instructional material, then the publisher must provide NIMAS file sets to the NIMAC.

***To volunteer to be a member of a working committee to review and revise guidance documents, develop procedures, and assist in the review and modifications to required and optional forms, please email your area(s) of interest to Crystal Ginn at*** [***crystal.ginn@education.ohio.gov***](mailto:crystal.ginn@education.ohio.gov)***.***