



**OHIO DIGITAL
LEARNING SCHOOL**

POWERED BY STRIDE K12

SPECIAL EDUCATION MANUAL

SY 2025-2026

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ODLS Special Education Policy

The Board of Trustees of Ohio Digital Learning School is committed to providing a free appropriate public education to all children eligible for special education services ages 3 through 21 who have been identified in accordance with applicable State and Federal laws, rules, and regulations. Furthermore, the Board of Trustees is committed to the goal that children with disabilities have equal access to and the opportunity for full participation in education, independent living and economic self-sufficiency.

The Head of Schools is expected to oversee all special education programs and to assign a member of the administrative staff, the Academic Administrator-Special Programs, the responsibility of supervising these programs. The Academic Administrator-Special Programs is responsible for the implementation and evaluation of procedures pertaining to the identification of students with disabilities, the evaluation of disabilities and evaluation procedures, the design of Individualized Education Programs (IEP) plans, and placement. The IEP determined for each identified student is developed in accordance with the student's individual needs and is designed to assist the student in accessing and progressing in the general curriculum. The plan provides for regular evaluation of the student's needs, progress, and effectiveness of the program being offered.

Although ODLS requires all students with disabilities to be tested, each student with a disability is considered individually relative to his/her participation in ODLS's educational and testing programs. Alternative Assessments may be required. Students are expected to make yearly gains towards closing the achievement gap as defined by the State Board of Education performance targets.

In order to satisfy the requirements of the Operating Standards for Ohio Educational Agencies Serving Children with Disabilities ("Ohio Operating Standards"), the Board of Trustees has adopted the Model Policies and Procedures ("Model Policies") promulgated by the Ohio Department of Education's Office of Exceptional Children (ODE-OEC), which is incorporated by reference into this policy. The Model Policies are organized into seven sections: Free Appropriate Public Education (FAPE), Confidentiality, Child Find, Procedural Safeguards, Evaluation, Individualized Educational Program (IEP), Least Restrictive Environment (LRE), and Parentally Placed Nonpublic School Children

While the Model Policies and Procedure issued by the ODE-OEC are comprehensive, the document does not include every requirement set forth in the Individuals with Disabilities Education Improvement Act of 2004 ("IDEIA"), the regulations implementing the IDEIA, the Operating Standards for Ohio Educational Agencies Serving Children with Disabilities, the Ohio Revised Code, and/or the Ohio Administrative Code. As such, the Board reaffirms its obligation to follow these laws and regulations, regardless of whether their provisions are restated in the Model Policies.

A copy of the Model Policies and Procedures are available at ODLS's office in Maumee, Ohio.

R.C. 3323.05, 3323.051, 3323.08

A.C. 3301-51-01 et seq., 3301-51-02(F)

IDEIA, 20 U.S.C. 1400 et seq.

34 C.F.R. Part 300

SpecialEducationProgram

Special Education Program

The OHIO DIGITAL LEARNING SCHOOL (ODLS) follows federal and Ohio guidelines regarding providing a free and appropriate public education (FAPE) to students eligible for special education services under the supervision of the school's Special Education Department. The Ohio special education manual serves as a basis for policies and procedures for the Special Education Department.

The ODLS Special Education Department is led by the Academic Administrator of Special Programs and supported the Stride K12 Regional and National Special Programs Managers.

As ODLS is a virtual learning environment, special educational services and support are provided through online meeting rooms, phone meetings, and electronic communications. This environment requires constant communication from not only teachers and staff at the school but also from parents, students, and designated learning coaches for this educational experience to be successful.

Ohio Digital Learning School takes steps, including the provision of supplementary aids and services determined appropriate and necessary by the child's IEP team, to provide nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities an equal opportunity for participation in those services and activities as provided to students without disabilities. Referrals can be made to agencies that aid individuals with disabilities and employment of students, including both employment by the school district and assistance in making outside employment available.

Link to Ohio Operating Standards (Updated 2024):

<https://education.ohio.gov/getattachment/Topics/Special-Education/Federal-and-State-Requirements/Operational-Standards-and-Guidance/Operating-Standards-Booklet-June-2024.pdf.aspx?lang=en-US>

Link to Individuals with Disabilities Act (Updated 2024): <https://sites.ed.gov/idea/>

Link to Ohio Revised Code (Updated 2024): <https://codes.ohio.gov/ohio-revised-code>

Ohio Department of Education Website:

<http://education.ohio.gov/>

Child Find Query

Federal Guidelines §300.111 Child find.

1. General.

- a) The state must have in effect policies and procedures to ensure that—
 - i) All children with disabilities residing in the state, including children with disabilities who are homeless children or are wards of the state, and children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated; and
 - ii) A practical method is developed and implemented to determine which children are currently receiving needed special education and related services.

Ohio Guidelines

1. General

- a) The child find policies and procedures that each school district adopts and implements under this rule shall ensure that:
 - i) All children with disabilities residing in the state, including children with disabilities who are homeless children or are wards of the state, and children with disabilities attending nonpublic schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated; and
 - ii) A practical method is developed and implemented to determine which children are currently receiving needed special education and related services.
- a) Use of the term developmental delay
 - i) The following provisions apply with respect to implementing the child find requirements of this rule:
 - (i) The Ohio department of education has adopted in rule 3301-51-11 of the Administrative Code a definition of “developmental delay” under 34 C.F.R. 300.8(b) (October 13, 2006) and under that section has determined in rule 3301-51-01 of the Administrative Code that the term applies to children aged three through five years;
 - (ii) A school district is not required to adopt and use the term developmental delay for any children within its jurisdiction;
 - (iii) If a school district uses the term developmental delay for children described in rule 3301-51-01 of the Administrative Code as

experiencing developmental delays, the school district must conform to both the state's definition of that term in rule 3301-51-11 of the Administrative Code and to the age range of three through five years of age which is the age range subset that has been adopted by the Ohio department of education in rule 3301-51-01 of the Administrative Code.

2. Other children in child find
 - a) Child find must also include:
 - i. Children who are suspected of being a child with a disability under the definition of child with a disability in paragraph (B) (10) of rule 3301-51-01 of the Administrative Code and in need of special education, even though they are advancing from grade to grade; and
 - ii. Highly mobile children, including migrant children.
3. Construction
 - a) Nothing in the IDEA requires that children be classified by their disability so long as each child who has a disability that is listed in the definition of a child with a disability in paragraph (B)(10) of rule 3301-51-01 of the Administrative Code and who, by reason of that disability, needs special education and related services is regarded as a child with a disability under Part B of the IDEA.

ODLS Best Practices

1. Child find questions are completed by the parent within the online enrollment portal. These questions are asked again by the Personal Admissions Liaison (PAL) during the enrollment approval and placement process.
2. Once the school year begins, all staff will be trained on child find responsibilities and procedures.
 - a) The assigned staff member will again conduct a probe to determine if the student has any academic needs.
 - i) This is done through the National Child Find Tracker
 - ii) Students are checked in the Ohio District Data Exchange (ODDEX)
 - b) If a parent indicates that they have academic concerns, the teacher will make an immediate referral to the Case Manager and document the concern in TVS notes. The Case Manager will follow up on the referral.
 - c) Any special education or evaluation records shared by the parent with the assigned homeroom teacher are forwarded to the special education department so that they can be reviewed by the Academic Administrator of Special Programs or designee to determine next steps.

Enrollment and Intake Procedures

When a student with a disability enrolls in ODLS, a transfer IEP meeting will be held within 30 days of the student's first day of logging into the online learning system to review the existing records and develop the IEP to reflect the needs of the student. The procedures below address the four situations in which a student would enroll into ODLS and provision of special education services would be decided.

ODLS Best Practices

Procedures for all incoming students:

1. Students from other districts within Ohio:
 - a) The School Psychologist reviews the Evaluation Team Reports received during the enrollment process.
 - b) The Special Education Teacher of Record must review all IEP documents received during the enrollment process.
 - c) If there are any questions about the documents, the Academic Administrator of Special Programs or designee will be contacted for guidance or clarification.
 - d) See Process for "All NEW Incoming Students"

For any students transferring from outside Ohio, the above procedure will be followed, and additional steps may need to be taken.

2. Within 30 days of the student's funding start date, a team meeting will be held to either:
 - a) Accept the out-of-state Evaluation Team Report or Multifactorial Evaluation and conduct an initial IEP meeting.
 - b) If the out of state Evaluation Team Report or Multifactorial Evaluation is not accepted, obtain consent for evaluation to make a referral for a comprehensive evaluation. During this process, every effort will be made to provide comparable services as stated in the most recent IEP received.
3. If the recommendation is that the student's Evaluation Team Report MEETS Ohio eligibility requirements:
 - a) An IEP meeting is scheduled, an initial IEP is developed, and the meeting held. Parent signs in agreement of the IEP
 - i) Upon receipt of parental agreement (Section 14), the newly developed IEP will be implemented immediately.
 - ii) The eligibility due date will remain the same.
4. If the recommendation is that the student's Evaluation Team Report WILL NOT MEET Ohio eligibility requirements, then:

- a) The School Psychologist will convene a team meeting per ODLS procedures and send out a Notice of the Meeting to the parent within 3 days of the receipt of records.
- b) The team, at a minimum, shall consist of the special education teacher, regular education teacher, parent/parent, student (as appropriate), and a district representative. An explanation of the evaluation and eligibility determination processes will be documented in the minutes and Parental Consent for Evaluation will be obtained and the eligibility decision meeting will be scheduled at that time (See Parental Consent section)
- c) The eligibility decision must be made within 60 days of the receipt of the signed Parental Consent for Evaluation.
- d) If the student is determined to be eligible, that date will be the initial eligibility date, and an IEP will be developed.
 - i) The development of the IEP and Parental Consent for Placement must be completed within 30 days from the date of the eligibility decision.
- e) The newly developed IEP will be implemented immediately.

Procedures for Students WITHOUT Current IEP's Enrolling at ODLS:

- 1. If a student had a private evaluation and is seeking special education services, the Special Education Department will review the documents received.
 - a) If teachers have questions about the documents they received, they should contact their Special Education Manager or designee for guidance.
 - i) ODLS has 30 days to review the evaluation and determine if a disability is suspected.
 - ii) Prior written notice will be sent explaining whether the school suspects a disability or not.
- 2. If a student transfers from a private special educational setting and has a Service Plan and seeking special education services, the type of disability and severity must be considered.
 - a) Teachers should contact their Special Education Manager or designee. The Special Education Manager or designee will attend the IEP meeting to give guidance on appropriate services to be provided.
 - i) ODLS has 30 days to review the evaluation and determine if a disability is suspected.
 - ii) Prior written notice will be sent explaining whether the school suspects a disability or not.
- 3. If a parent requests an immediate psychological evaluation or referral to special education, an immediate referral for Multi-Tiered Systems of Support (MTSS) will be made by ODLS staff.
 - a) The School Psychologist will review the documentation and referral
 - b) They will then complete a PR-O1 notifying the family that the student has been referred to the MTSS team and then and evaluation will not be completed at this time.

Confidentiality

Confidentiality is one of the rights afforded to parents in the Parent Rights /Procedural Safeguards document. Confidentiality of educational records is a basic right shared by all children in public schools and their parents. These fundamental rights are described in the Family Educational Rights and Privacy Act (FERPA) of 1974, which applies to all students, not just those with disabilities.

Federal Guidelines

1. All district personnel (including contracted employees) are governed by confidentiality requirements and will receive annual training and information regarding the law. Written and dated parental consent must be obtained before personally identifiable information can be disclosed to unauthorized individuals, organizations, or agencies (unless otherwise authorized to do so under FERPA).
2. Personally, identifiable information includes the following:
 - a) the name of the student, the student's parent, or other family member;
 - b) the student's address;
 - c) any personal identifier such as the student's social security number or student number; and
 - d) any personal characteristics or other information that would make it possible to identify the student.
3. FERPA allows parents to inspect and review all educational records of their child maintained by an educational agency that receives federal funds. This includes all public schools and most private schools. The school must comply with a request to inspect records within a reasonable amount of time, and in no case more than 45 days after the request has been made.

Ohio Guidelines

1. Each school district, county board developmental disabilities (county board of DD), and other educational agency shall adopt and implement written policies and procedures, approved by the Ohio department of education, office for exceptional children, that afford parents the opportunity to examine records in accordance with the procedures of 34 C.F.R. 300.610 to 300.628 (October 13, 2006) and ensure the protection of the confidentiality of any personally identifiable information in regard to the collection, use, storage, disclosure, retention, and destruction of that information.
2. Consent
 - a) Parental consent must be obtained before personally identifiable information is disclosed to parties, other than officials of participating agencies in accordance with this rule, unless the information is contained in education

records, and the disclosure is authorized without parental consent under 34 C.F.R. Part 99 (January 14, 2013).

- b) The parent's consent must be in writing, signed, and dated and must:
 - (1) Specify the records to be disclosed;
 - (2) State the purpose of the disclosure; and
 - (3) Identify the party or class of parties to whom the disclosure may be made.
 - c) Except as provided in paragraphs (M)(2)(a) and (M)(2)(b) of this rule, parental consent is not required before personally identifiable information is released to officials of participating agencies for purposes of meeting a requirement of this rule and 34 C.F.R. Part 300 (October 13, 2006).
 - d) Parental consent, or the consent of an eligible child who has reached the age of majority under Ohio law, must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services in accordance with rule 3301-51-07 of the Administrative Code.
 - e) If a child is enrolled, or is going to enroll in a nonpublic school that is not located in the school district of the parent's residence, parental consent must be obtained before any personally identifiable information about the child is released between officials in the school district where the nonpublic school is located and officials in the school district of the parent's residence.
3. Safeguards
- a) Each participating agency must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.
 - b) One official at each participating agency must assume responsibility for ensuring the confidentiality of any personally identifiable information.
 - c) All persons collecting or using personally identifiable information must receive training or instruction regarding the policies and procedures of the school district, county board of DD, and other educational agency under 34 C.F.R. Part 99 (January 14, 2013).
 - d) Each participating agency must maintain for public inspection a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.

ODLS Best Practices

- 1. The Ohio Digital Learning School staff adheres to all portions of FERPA in regard to student educational records and personal information.
- 2. Any correspondence, electronic or otherwise, referencing a student will only include the student's first initial, last name, or student identification number.

Special Education Records

Federal Guidelines

1. Terms

- a) Destruction means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.
- b) Education records means the type of records covered under the definition of “education records” in 34 CFR part 99 (the regulations implementing the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g (FERPA)).
- c) Participating agency means any agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained, under Part B of the Act. (Authority: 20 U.S.C. 1221e–3, 1412(a)(8), 1417(c))

2. §300.614 Record of access.

- a) Each participating agency must keep a record of parties obtaining access to education records collected, maintained, or used under Part B of the Act (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records. (Authority: 20 U.S.C. 1412(a)(8); 1417(c))

3. §300.613 Access rights.

- a) Each participating agency must permit parents to inspect and review any education records relating to their children that are collected, maintained, or used by the agency under this part.
- b) The agency must comply with a request without unnecessary delay and before any meeting regarding an IEP, or any hearing pursuant to §300.507 or §300.530 through 300.532, or resolution session pursuant to §300.510, and in no case more than 45 days after the request has been made.
- c) The right to inspect and review education records under this section includes—
 - i) The right to a response from the participating agency to reasonable requests for explanations and interpretations of the records;
 - ii) The right to request that the agency provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and
 - iii) The right to have a representative of the parent inspect and review the records.

An agency may presume that the parent has authority to inspect and review records relating to his or her child unless the agency has been advised that the parent does not have the

authority under applicable Ohio law governing such matters as guardianship, separation, and divorce. (Authority: 20 U.S.C. 1412(a)(8); 1417(c))

Ohio Guidelines

1. Terms

- a) “Destruction” means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.
- b) “Education records” means the type of records covered under the definition of education records in 34 C.F.R. Part 99 (January 14, 2013) (the regulations implementing the Family Educational Rights and Privacy Act of 1974, August 1974, 20 U.S.C. 1232g (FERPA)).
- c) “Participating agency” means any agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained, under Part B of the Individuals with Disabilities Education Act, as amended and specified in the Individuals with Disabilities Education Improvement Act of 2004, December 2004 (IDEA).

2. Record of access

- a) Each participating agency must keep a record of parties obtaining access to education records collected, maintained, or used under Part B of the IDEA (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

3. Access rights

- a) Each participating agency must permit parents to inspect and review any education records relating to their children that are collected, maintained, or used by the agency under this rule. The agency must comply with a request without unnecessary delay and before any meeting regarding an individualized education program (IEP), or any hearing pursuant to rule 3301- 51-05 of the Administrative Code or resolution session pursuant to rule 3301- 51-05 of the Administrative Code, and in no case more than forty-five days after the request has been made.
- b) The right to inspect and review education records under this rule includes:
 - i) The right to a response from the participating agency to reasonable requests for explanations and interpretations of the records;
 - ii) The right to request that the agency provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and
 - iii) The right to have a representative of the parent inspect and review the records.

An agency may presume that the parent has authority to inspect and review records relating to the parent’s child unless the agency has been advised that the parent does

not have the authority under applicable state law governing such matters as guardianship, separation, and divorce.

4. Records on more than one child
 - a) If any education record includes information on more than one child, the parents of those children have the right to inspect and review only the information relating to their child or to be informed of that specific information.
5. Destruction of information
 - a) The public agency must inform parents when personally identifiable information collected, maintained, or used under this rule is no longer needed to provide educational services to the child.
 - b) The information must be destroyed at the request of the parents. However, a permanent record of a student's name, address, telephone number, grades, attendance record, classes attended, grade level completed, and year completed shall be maintained without time limitation.

ODLS Best Practices

1. Special Education Records Request Procedures
 - a) Request current documents from parent during the enrollment process.
 - b) Upon receiving information that there is a student with special needs approved for enrollment in ODLS or enrolled in ODLS, the school will contact the previous school to ensure we have the most up-to-date document. It is not unusual for special education records to be kept at another school or the district main office.
 - c) ODLS will send a first request for records along with a release of information signed by the parent to each student's previous district containing a cover sheet asking that the student's special education records be sent to ODLS. The required documents will be specified on the fax cover sheet. The fax confirmation sheet will be kept in the student file. Please note parental permission is not required when records are requested by authorized school personnel.
 - d) If the requested special education records have not been received within 5 calendar days, in whole or in part, a second fax for request of records will be sent. If partial special education records were received, it will be indicated on the second fax along with what documentation is still needed. The fax confirmation sheet, if applicable, should be kept in the student's file.
 - e) The status of each student's records request will be updated in the ODLS special education student tracker to meet compliancy timelines.

Special Education Student Files

ODLS has created a designated process for organizing/saving files. ODLS has an internal IEP document review process prior to finalizing any actions within the IEP system or student file. The school has a designated process in place for organizing/saving student files.

Special Education Record Maintenance Files:

All Students digital files will be housed in the ODLS Special Programs Sharepoint Site in the documents section under enrolled students.

Within that folder will be the following folders:

1. Withdrawn

- i. Withdrawn/Exited/Graduates Students will have a folder (last name, first initial) inside the withdrawn folder

2. Active:

- ii. Active Students will be listed alphabetical and will have a folder (last name, first initial) . Within each student folder are sub folders that include: ETR, GRAD info, IEP, MDR, Other, Progress, Transition

All Students digital finalized files will also be housed in the ODLS laserfiche system.

Teacher of Record:

Each assigned special education teacher is responsible for ensuring that all required items are in the student's special education folder. Special Education staff are expected to update the files at the ODLS office at least once a month throughout the school year and as necessary in the summer months. If any documents are missing, the special education teacher will contact the ODLS compliancy coordinator and ask that a faxed record request or certified letter record request be made. The type of request will be determined by the number of requests that had been made previously.

Parental Training Opportunities

As the child's learning coach, the parent or designee is a partner in the learning process. Professional development is an opportunity for parents/ learning coaches to learn more about curriculum and gain strategies to help their child develop the necessary academic, functional, and vocational skills. It can also be utilized to assist parents in navigating the special education process. General training for all parents/learning coaches begins with enrollment and continues throughout the year through the Family Forums.

Specific training for parents of students with disabilities will be based on need and input by parents and staff. Input will be sought initially through a needs assessment, with follow-up completed at the annual IEP review. Professional development may take many forms from training modules, to websites, publications, and coaching by staff and contracted service personnel. In addition, informational recordings on suggested topics will be developed by staff members for parents to access.

When direct training is provided to parents by contracted related service personnel, or the on-staff behavioral specialist, data will be collected regarding the provision of those services. Internal Monitoring will occur in this area.

Parent Engagement

The Ohio Digital Learning School views parents as a vital part of the learning process and encourages parents to not only take a leading role in their child's education but to be an active participant in the IEP process. Ohio Digital Learning School staff work to provide parents with the support and tools necessary to ensure that their student is successful in the virtual learning environment. If a parent is struggling to support their student in this unique environment, ODLS staff will work with that parent to provide various strategies to assist them in providing the student the best learning environment.

It is the parent's responsibility to attend scheduled IEP meetings, keep an open line of communication with teachers and therapists, return all IEP and eligibility paperwork in a timely manner, and be an active participant in their child's education.

If a parent does not follow through on the above items, it could jeopardize the student's enrollment status. ODLS teachers and administration will provide notice to families regarding any noncompliant action that may compromise the student's enrollment status. Prior to a change in a special education student's placement, notice will be given to the parent and the IEP team will conduct a manifestation determination meeting to determine whether the conduct in question is directly related to the student's disability.

ODLS Best Practices

ODLS has implemented a school wide policy based on State of Ohio guidelines regarding attendance and non-compliance for any required class connect sessions or services.

Examples of required sessions or services include:

- Remediation sessions as outlined in a student's IEP
- Intervention sessions for students in the RTI process
- Special Education services as outlined in a student's IEP
- Related services as outlined in a student's IEP or 504 Plan

Delivery of Services –

Specially Designed Instruction

Specially designed instruction means organized and planned instructional activities typically provided by an appropriately qualified special education professional that modify, as appropriate the content, methodology, or delivery of instruction. What makes instruction truly individualized and specially designed for a student with a disability and different from what a general education student receives is how the instruction is linked to the student's IEP goals and objectives. SDI is planned, organized and meaningful in that it is an intentional and systematic process that specifically addresses the student's needs as expressed in the IEP goals and objectives.

The IEP requires detailed information on the type of service, the goals addressed, the title of the provider, the location of instruction, the start and end dates of instruction, the amount of time for instruction needed to obtain a specific goal(s) and the frequency of instruction.

The amount and frequency of instruction related to the IEP goals and the provision of related services is based on the individual needs of the student. When making decisions regarding amount and frequency of services, IEP team members should consider the student's present levels of performance, the gap between their performance and that of same aged peers, the effect of the disability on student's ability to access and progress in the general curriculum, the amount of growth that is expected, and how the specially designed instruction is provided.

Specially designed instruction includes the location of services. The Office of Special Programs has approved the use of “virtual classroom” as the language to be used in the IEP to describe the location of services. This phrase should replace the previously used phrase, “telephone and web-based tools”.

Internal Monitoring will occur in this area.

Dissemination of Information

The area of Special Education is frequently changing. It is imperative that those involved in providing instructional services to students and those monitoring special education programs are informed and current in the field, especially as it relates to compliance. Therefore, ODLS will provide opportunities for professional development, coaching, and feedback to staff to support growth and best practices. These opportunities will be ongoing throughout the year, will consist of large group, small group and individual training, and be varied in format. An on-line repository of training materials and resources will be maintained to provide staff with current information and school requirements. This will include procedures and internal monitoring systems.

It is important to remember that because staff may be added throughout the school year, retraining will be necessary on some topics. Additionally, the flow of information should not be limited to a “top down” format. The Special Education Department will be structured to elicit feedback, information and questions from staff.

Procedural Safeguards & Parent and Student Rights

Federal Guidelines §300.504 Procedural safeguards notice.

1. General

- a. A copy of the procedural safeguards available to the parents of a child with a disability must be given to the parents only one time a school year, except that a copy must be given to the parents—
- b) Upon initial referral or parent request for evaluation;
- c) Upon receipt of the first Ohio complaint under §§300.151 through 300.153 and upon receipt of the first due process complaint under §300.507 in a school year;
- d) In accordance with the discipline procedures in §300.530(h); and
- e) Upon request by a parent.

2. Internet Web site.

- a) A public agency may place a current copy of the procedural safeguards notice on its Internet Web site if a Website exists.

3. Contents.

The procedural safeguards notice must include a full explanation of all of the procedural safeguards available under §300.148, §300.151 through 300.153, §300.300, §300.502 through 300.503, §300.505 through 300.518, §300.520, §300.530 through 300.536 and §300.610 through 300.625 relating to:

- a) Independent educational evaluations;
- b) Prior written notice;
- c) Parental consent;
- d) Access to education records;
- e) Opportunity to present and resolve complaints through the due process complaint and Ohio complaint procedures, including—
- f) The time period in which to file a complaint;
- g) The opportunity for the agency to resolve the complaint; and
- h) The difference between the due process complaint and the Ohio complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures;
- i) The availability of mediation;
- j) The child's placement during the pendency of any due process complaint;
- k) Procedures for students who are subject to placement in an interim alternative educational setting;

- l) Requirements for unilateral placement by parents of children in private schools at public expense;
 - m) Hearings on due process complaints, including requirements for disclosure of evaluation results and recommendations;
 - n) Ohio-level appeals (if applicable in the Ohio);
 - o) Civil actions, including the time period in which to file those actions; and
 - p) Attorneys' fees.
4. Notice in understandable language.
- The notice required under paragraph (a) of this section must meet the requirements of §300.503(c). (Approved by the Office of Management and Budget under control number 1820-0600) (Authority: 20 U.S.C. 1415(d))

Ohio Guidelines

Procedural safeguards notice

1. General

- a) A copy of the procedural safeguards available to the parents of a child with a disability must be given to the parents only one time a school year, except that a copy also must be given to the parents:
 - i. Upon initial referral or parent request for evaluation;
 - ii. Upon receipt of the first due process complaint under paragraph (K)(7) of this rule in a school year;
 - iii. In accordance with the discipline procedures in paragraph (K)(20) of this rule; and
 - iv. Upon request by a parent.

2. Internet web site

A school district may place a current copy of the procedural safeguards notice on its internet web site if a web site exists, but the school district must still provide parents a printed copy of the procedural safeguards' notice.

3. Contents of notice

- a) The procedural safeguards notice must include a full explanation of all of the procedural safeguards available under rule 3301-51-02 of the Administrative Code, rule 3301-51-04 of the Administrative Code, and this rule including:
 - i. Independent educational evaluations; 3301-51-05 Procedural safeguards
 - Page | 70
 - ii. Prior written notice;
 - iii. Parental consent;
 - iv. Access to education records;
 - v. Opportunity to present and resolve complaints through the due process complaint and state complaint procedures, including:
 - The time period in which to file a complaint;

- The opportunity for the school district of residence to resolve the complaint; and
 - The difference between the due process complaint and the state complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures;
- vi. The availability of mediation;
 - vii. The child's placement during the pendency of any due process complaint;
 - viii. Procedures for children who are subject to placement in an interim alternative educational setting;
 - ix. Requirements for unilateral placement by parents of children in nonpublic schools at public expense;
 - x. Hearings on due process complaints, including requirements for disclosure of evaluation results and recommendations;
 - xi. State-level appeals;
 - xii. Civil actions, including the time period in which to file those actions; and
 - xiii. Attorneys' fees.
4. Notice in understandable language
 5. The notice required under paragraph (I)(1) of this rule must meet the requirements of paragraph (H)(3) of this rule.

ODLS Best Practices

1. Parents and children have many rights under the special education law, Individuals with Disabilities Education Act (IDEA). It is important that parents and children understand their rights to a free appropriate public education (FAPE).
2. The term "appropriate" is based on the educational needs of the individual child that are outlined in the Individualized Education Program (IEP). The IEP is deemed a working document created by a team of educators and the family that establishes goals for a child to achieve in order to succeed.
3. It is the responsibility of the school to provide parents with notice of their rights annually in their preferred language. Parents also have a responsibility to participate in the education of their children. Parents do so by participating in meetings and giving consent to allow the school to provide the supports and services that both the parents and school agree are necessary for a child to be successful.
4. Parents will be provided a copy of the Ohio parental rights notification at least once a year and at the following events;
 - a) Parent request
 - b) Initial referral or parental request for evaluation
 - c) Receipt of the first Ohio complaint
 - d) Receipt of the first due process hearing request

4. Notification by the school district to the parent of a disciplinary removal of a student from school that would constitute a change of placement.
5. During any IEP meeting, the teacher leading the meeting will provide the procedural safeguards and provide the parent and/or student the opportunity to ask any questions.

Links:

https://education.ohio.gov/getattachment/Topics/Special-Education/A-Guide-to-Parent-Rights-in-Special-Education/ODE_ParentRights_040617.pdf.aspx

Surrogate Parents

Federal Guidelines- §300.519 Surrogate parents

1. General - Each public agency must ensure that the rights of a child are protected when—
 - a) No parent (as defined in §300.30) can be identified;
 - b) The public agency, after reasonable efforts, cannot locate a parent;
 - c) The child is a ward of the Ohio under the laws of that Ohio; or
 - d) The child is an unaccompanied homeless youth as defined in section 725(6) of the McKinney-Vento Homeless Assistance Act (42 U.S.C.11434a(6)).
2. Duties of public agency
 - a) The duties of a public agency under paragraph (a) of this section include the assignment of an individual to act as a surrogate for the parents. This must include a method—
 - i. For determining whether a child needs a surrogate parent; and
 - ii. For assigning a surrogate parent to the child.
3. Wards of the State
 - a) In the case of a child who is a ward of the state, the surrogate parent alternatively may be appointed by the judge overseeing the child's case, provided that the surrogate meets the requirements in paragraphs (d)(2)(i) and (e) of this section.
4. Criteria for selection of surrogate parents
 - a) The public agency may select a surrogate parent in any way permitted under Ohio law.
 - b) Public agencies must ensure that a person selected as a surrogate parent—
 - i. Is not an employee of the SEA, the LEA, or any other agency that is involved in the education or care of the child;
 - ii. Has no personal or professional interest that conflicts with the interest of the child the surrogate parent represents; and
 - iii. Has knowledge and skills that ensure adequate representation of the child.

Ohio Guidelines

1. General- Each school district must ensure that the rights of a child are protected when:
 - a) No parent (as defined in rule 3301-51-01 of the Administrative Code) can be identified;
 - b) The school district, after reasonable efforts, cannot locate a parent;
 - c) The child is a ward of the state under the laws of Ohio; or
 - d) The child is an unaccompanied homeless youth as defined in Section 725(6) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(6)), as amended and specified in Title X, Part C, of the No Child Left Behind Act of 2001, January 2002, 42 U.S.C. 11431.

2. Duties of the school district
 - a) The duties of a school district of residence under paragraph (E)(1) of this rule include the assignment of an individual to act as a surrogate for the parents. This must include a method:
 - i) For determining whether a child needs a surrogate parent; and
 - ii) For assigning a surrogate parent to the child.
3. Wards of the state
 - a) In the case of a child who is a ward of the state, the surrogate parent alternatively may be appointed by the judge overseeing the child's case, provided that the surrogate meets the requirements in paragraphs (E)(4)(c)(i), (E)(4)(c)(iv), and (E)(5) of this rule.
4. Criteria for selection of surrogate parents
 - a) A surrogate parent shall be assigned as soon as possible but no later than thirty days of the date that it is determined that the child is in need of the surrogate.
 - b) The school district of residence maintains the ultimate responsibility for the assignment of a surrogate parent. If requested by the school 3301-51-05 Procedural safeguards Page | 64 district of residence and mutually agreed upon, the school district of attendance, county board of developmental disabilities (county board of DD), or other educational agency may appoint the surrogate parent.
 - c) The school district of residence must ensure that a person selected as a surrogate parent:
 - i) Is not an employee of the Ohio department of education, the school district, or any other agency that is involved in the education or care of the child;
 - ii) Has no personal or professional interest that conflicts with the interest of the child the surrogate parent represents;
 - iii) Has knowledge and skills that ensure adequate representation of the child;
 - iv) Has successfully completed the training prescribed by the Ohio department of education prior to acting on behalf of the child.
5. Non-employee requirement; compensation
 - a) A person who is otherwise qualified to be a surrogate parent under paragraph (E)(4) of this rule is not an employee of the school district solely because the person is paid by the school district to serve as a surrogate parent.
6. Civil damages
 - a) Pursuant to section 3323.051 of the Revised Code, neither the surrogate parent nor the authority that assigned the surrogate parent shall be liable in civil damages for acts of the surrogate parent unless such acts constitute willful or wanton misconduct,
7. Appointment of surrogate by a judge
 - a) If a surrogate parent is appointed by a judge overseeing the child's case, upon the request of the judge, the school district of residence will confirm that the person

- appointed meets the requirements in paragraphs (E)(4)(c)(i), (E)(4)(c)(iv), and (E)(5) of this rule.
8. Child who has reached the age of majority
 - a) A child who has reached the age of majority may request a surrogate parent.
 9. Unaccompanied homeless youth
 - a) In the case of a child who is an unaccompanied homeless youth, appropriate staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs may be appointed as temporary surrogate parents without regard to paragraph (E)(4)(c)(i) of 3301-51-05 Procedural safeguards
Page | 65 this rule, until a surrogate parent can be appointed that meets all of the requirements of paragraph (E)(4) of this rule.
 10. Surrogate parent responsibilities
 - a) The surrogate parent may represent the child in all matters relating to:
 - b) The identification, evaluation, and educational placement of the child; and
 - c) The provision of FAPE to the child.

ODLS Best Practices

Under extenuating circumstances, when a legal guardian cannot be located, the Special Education Department will assist in selecting a surrogate to invite to the meeting, per Ohio guidelines.

Parent Consent

Federal Guidelines- Section 300.300, regarding parental consent, has been revised, as follows:

1. Paragraph (a) of §300.300, regarding consent for initial evaluation, has been changed to provide that the public agency proposing to conduct an initial evaluation to determine if a child qualifies as a child with a disability must, after providing notice consistent with §300.503 and §300.504, obtain informed consent, consistent with §300.9, from the parent of the child before conducting the evaluation. A new paragraph (a)(1)(iii) has been added to require a public agency to make reasonable efforts to obtain the informed consent from the parent for an initial evaluation.
2. Section 300.300(a)(3), regarding a parent's failure to provide consent for initial evaluation, has been changed to clarify, in a new paragraph (a)(3)(ii), that the public agency does not violate its obligation under §300.111 and §300.301 through §300.311 if it declines to pursue the evaluation.
3. Section 300.300(b), regarding parental consent for services, has been modified by a new paragraph (b)(2) that requires a public agency to make reasonable efforts to obtain informed consent from the parent for the initial provision of special education and related services.
4. Section 300.300(c)(1), regarding parental consent for reevaluations, has been modified to clarify that if a parent refuses to consent to a reevaluation, the public agency may, but is not required to, pursue the reevaluation by using the consent override procedures in §300.300(a)(3), and the public agency does not violate its obligation under §300.111 and §§300.301 through 300.311 if it declines to pursue the evaluation or reevaluation.
5. A new §300.300(d)(4) has been added to provide that if a parent of a child who is home schooled or placed in a private school by the parent at the parent's expense, does not provide consent for an initial evaluation or a reevaluation, or the parent fails to respond to a request to provide consent, the public agency (A) may not use the consent override procedures (described elsewhere in §300.300), and (B) is not required to consider the child eligible for services under the requirements relating to parentally-placed private School children with disabilities (§§300.132 through 300.144).
6. A new §300.300(d)(5) has been added to clarify that in order for a public agency to meet the reasonable efforts requirement to obtain informed parental consent for an initial evaluation, initial services, or a reevaluation, a public agency must document its attempts to obtain parental consent using the procedures in §300.322(d).

Ohio Guidelines- Parental consent

1. Parental consent for initial evaluation
 - a) The school district proposing to conduct an initial evaluation to determine if a child qualifies as a child with a disability under the definition of "child with a

- disability” in rule 3301-51-01 of the Administrative Code must, after providing notice consistent with the requirements of this rule, obtain informed consent, consistent with the definition of “consent” in rule 3301-51-01 of the Administrative Code, from the parent of the child before conducting the evaluation.
- b) Parental consent for initial evaluation must not be construed as consent for the initial provision of special education and related services
 - c) The school district must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability.
2. For initial evaluations only, if the child is a ward of the state and is not residing with the child’s parent, the school district is not required to obtain informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability if:
- a) Despite reasonable efforts to do so, the school district cannot discover the whereabouts of the parent of the child;
 - b) The rights of the parents of the child have been terminated in accordance with state law; or
 - c) The rights of the parent to make educational decisions have been subrogated by a judge in accordance with state law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.
3. If the parent of a child enrolled in a school district or seeking to be enrolled in a school district does not provide consent for initial evaluation under this rule, or the parent fails to respond to a request to provide consent, the school district of residence may, but is not required to, pursue the initial evaluation of the child by utilizing the procedural safeguards in Subpart E of Part B of the Individuals with Disabilities Education Act, as amended by the Individuals with Disabilities Education Improvement Act of 2004, December 2004 (IDEA) (including the mediation procedures or the due process procedures under this rule).
- a) The school district does not violate its obligation under rule 3301- 51-03 of the Administrative Code for child find and under rule 3301- 51-06 of the Administrative Code for evaluations if it declines to pursue the evaluation.
4. Parental consent for services
- a) A school district of residence that is responsible for making FAPE available to a child with a disability must obtain informed consent from the parent of the child before the initial provision of special education and related services to the child.
 - b) The school district of residence must make reasonable efforts to obtain informed consent from the parent for the initial provision of special education and related services to the child.
 - c) If the parent of the child refuses to consent to the initial provision of special education and related services, or the parent fails to respond to a request to

provide consent for the initial provision of special education and related services, the school district of residence:

- i. Shall not use the procedures in Subpart E of Part B of the IDEA, including the mediation procedures or the due process procedures described in this rule, in order to obtain agreement or a ruling that services may be provided to the child;
 - ii. Will not be considered to be in violation of the requirement to make FAPE available to the child for the failure to provide the child with the special education and related services for which the school district of residence requests consent; and
 - iii. Is not required to convene an individualized education program (IEP) team meeting or develop an IEP under rule 3301-51-07 of the Administrative Code for the child for the special education and related services for which the school district of residence requests such consent.
5. Revocation of parental consent
 - a) If, at any time subsequent to the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the school district:
 - i. Shall not continue to provide special education and related services to the child, but shall provide prior written notice in accordance with paragraph (H) of this rule before ceasing the provision of special education and related services;
 - ii. Shall not use the procedures in Subpart E of Part B of the IDEA, including the mediation procedures or the due process procedures described in this rule, in order to obtain agreement or a ruling that the services shall be provided to the child;
 - iii. Shall not be considered to be in violation of the requirement to make FAPE available to the child for the failure to provide the child with further special education and related services; and
 - iv. Shall not be required to convene an individualized education program (IEP) team meeting or develop an IEP pursuant to rule 3301-51-07 of the Administrative Code for the child for further provision of special education and related services.
6. Parental consent for reevaluations
 - a) Subject to paragraph (C)(4)(b) of this rule, each school district:
 - i. Must obtain informed parental consent, in accordance with paragraph (C)(1) of this rule, prior to conducting any reevaluation of a child with a disability.

- b) If the parent refuses to consent to the reevaluation, the school district of residence may, but is not required to, pursue the reevaluation by using the consent override procedures described in paragraph (C)(1)(e) of this rule.
 - i. The school district of residence does not violate its obligation under rule 3301-51-03 of the Administrative Code for child find and under rule 3301-51-06 of the Administrative Code for reevaluations if it declines to pursue the reevaluation.
 - c) The informed parental consent described in paragraph (C)(4)(a) of this rule need not be obtained if the school district can demonstrate that:
 - i. It made reasonable efforts to obtain such consent; and
 - ii. The child's parent has failed to respond.
 - 7. Parental consent for a change of placement
 - a) A "change of placement" means a change from one option on the continuum of alternative placements to another.
 - b) Informed parental consent must be obtained before making a change of placement of a child with a disability.
 - c) Informed parental consent need not be obtained before:
 - i. A change of placement if the school district of residence can demonstrate that it has made reasonable efforts, as described in rule 3301-51-07 of the Administrative Code, to obtain consent,
 - ii. and the child's parent has failed to respond
 - d) A change of placement of a child with a disability that is the result of disciplinary action taken in accordance with paragraph (K)(20) of this rule.
 - i. Reviewing existing data as part of an evaluation or a reevaluation; or
 - ii. Administering a test or other evaluation that is administered to all children unless, before administration of that test or evaluation, consent is required of parents of all children.
 - 8. Parental consent for use of public benefits or insurance
 - a) Informed parental consent must be obtained prior to the initial use of public benefits or insurance to pay for special education and related services with notice of rights under this provision provided annually.
 - b) Parental refusal or withdrawal of consent for the use of public benefits or insurance to pay for special education and related services may not be used by a district to deny the child or parent access to required services at no cost to the parent.
 - 9. Other consent requirements
 - a) A school district may not use a parent's refusal to consent to one service or activity under paragraph (C)(1) or (C)(5)(b) of this rule to deny the parent or child any other service, benefit, or activity of the school district, except as required by this rule.

- b) To meet the reasonable efforts requirement in paragraphs (C)(1)(c), (C)(1)(d)(i), (C)(2)(b), (C)(4)(b)(i), and (C)(5)(c)(i) of this rule, the school district must document its attempts to obtain parental consent using the procedures in rule 3301-51-07 of the Administrative Code.

ODLS Best Practices

1. The district is required to obtain informed written consent for any action requested.
 - a) Parental consent is voluntary and may be revoked at any time.
 - b) Consent is required for the following actions:
 - i. to conduct an initial evaluation;
 - ii. to conduct a reevaluation;
 - iii. initial placement to receive special education and related services on the IEP; and
 - iv. before disclosure of personally identifiable information that is subject to confidentiality.
 - c) Consent for the initial evaluation does not provide consent for initial placement.
 - i. Consent for the initial evaluation may be given electronically.
 - d) The eligibility decision must be made within 60 calendar days of receipt of the virtually or physically signed parental consent document.
2. If during the reevaluation/redetermination process, a parent refuses consent for evaluation, the special education teacher will contact the Special Education Manager or designee for further guidance.

Evaluation and Identification of Students with Disabilities

A student will be referred for evaluation based on information received from the parent, school staff, the intervention process, and other sources with information regarding the child. It is expected that during the evaluation process current observable data will be obtained from multiple sources in all areas discussed during the planning meeting and required by state and federal law. The evaluation team, which should include the parent(s), will review the collected information and determine eligibility for special education services. Reevaluations of previously identified students will also require planning; assessment results from multiple sources, input from the parent(s) and a team decision to determine continued eligibility.

The special education services the student receives will be documented in the individualized education program (IEP) and individually tailored to meet the needs of the student. The IEP should provide sufficient details to allow service providers the information necessary to provide services to the student that will allow the student to access and progress in the general curriculum. The IEP should be developed by a team including the parent(s), and student, when appropriate, and reviewed on an annual basis.

It is expected that all federal timelines will be adhered to and the forms required by Ohio Department of Education will be used. (Refer to Special Programs Manual for additional details)

Internal Monitoring will occur in this area.

Initial Evaluations

Federal Guidelines- §300.301 Initial evaluations.

1. General.

- a) Each public agency must conduct a full and individual initial evaluation, in accordance with §§300.305 and 300.306, before the initial provision of special education and related services to a child with a disability under this part.
- b) Request for initial evaluation. Consistent with the consent requirements in §300.300, either a parent of a child or a public agency may initiate a request for an initial evaluation to determine if the child is a child with a disability.

2. Procedures for initial evaluation

- a) The initial evaluation:
 - i) Must be conducted within 60 days of receiving parental consent for the evaluation; or
 - ii) If the state establishes a timeframe within which the evaluation must be conducted, within that timeframe; and
 - (1) Must consist of procedures:
 - (2) To determine if the child is a child with a disability under §300.8; and
 - (3) To determine the educational needs of the child.
 - (a) Exception.
 - (i) The timeframe described in paragraph (c)(1) of this section does not apply to a public agency if—
 - (ii) The parent of a child repeatedly fails or refuses to produce the child for the evaluation; or
 - (b) A child enrolls in a school of another public agency after the relevant timeframe in paragraph (c)(1) of this section has begun, and prior to a determination by the child's previous public agency as to whether the child is a child with a disability under §300.8. (e)
- b) The exception in paragraph (d)(2) of this section applies only if the subsequent public agency is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent public agency agree to a specific time when the evaluation will be completed. (Authority: 20 U.S.C. 1414(a))

3. Evaluation procedures (§300.304)

4. Notice.

- a) The public agency must provide notice to the parents of a child with a disability, in accordance with §300.503, that describes any evaluation procedures the agency proposes to conduct.
- b) Conduct of evaluation. In conducting the evaluation, the public agency must:
 - i) Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent, that may assist in determining—
 - (1) Whether the child is a child with a disability under §300.8; and (ii)
 - (2) The content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities);
 - (a) Not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child; and
 - (b) Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.
- c) Other evaluation procedures.
 - i) Each public agency must ensure that:
 - (1) Assessments and other evaluation materials used to assess a child under this part:
 - (a) Are selected and administered so as not to be discriminatory on a racial or cultural basis;
 - (b) Are provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer;
 - (c) Are used for the purposes for which the assessments or measures are valid and reliable;
 - (d) Are administered by trained and knowledgeable personnel; and
 - (e) Are administered in accordance with any instructions provided by the producer of the assessments.

- (f) Assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.
- (g) Assessments are selected and administered so as best to ensure that if an assessment is administered to a child with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).
- (h) The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities;
- (i) Assessments of children with disabilities who transfer from one public agency to another public agency in the same school year are coordinated with those children's prior and subsequent schools, as necessary and as expeditiously as possible, consistent with §300.301(d)(2) and (e), to ensure prompt completion of full evaluations.
- (j) In evaluating each child with a disability under §§300.304 through 300.306, the evaluation is sufficiently comprehensive to identify all of the child's special education and related service needs, whether or not commonly linked to the disability category in which the child has been classified.
- (k) Assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are provided.

(Authority: 20

U.S.C. 1414(b)(1)-(3), 1412(a)(6)(B))

Ohio Guidelines- Initial evaluations

1. General

- a) General Each school district of residence must conduct a full and individual initial evaluation, in accordance with this rule, before the initial provision of special education and related services under Part B of the Individuals with Disabilities Education Act, as amended by the Individuals with Disabilities Education Improvement Act of 2004, December 2004 (IDEA) to a child with a disability residing in the school district.
- b) Request for initial evaluation Consistent with the consent requirements in rule 3301-51-05 of the Administrative Code, either a parent of a child or a public agency may initiate a request for an initial evaluation to determine if the child is a child with a disability.
- c) A school district of residence will, within thirty days of receipt of a request for an evaluation from either a parent of a child or a public agency, either obtain parental consent for an initial evaluation or provide the parents a prior written notice stating that the school district does not suspect a disability and will not be conducting an evaluation.

2. Procedures for the initial evaluation:

- a) Must be conducted within sixty days of receiving parental consent for the evaluation; and
- b) Must consist of procedures:
 - i. To determine if the child is a child with a disability as defined in paragraph (B)(10) of rule 3301-51-01 of the Administrative Code; and
 - ii. To determine the educational needs of the child.

3. Exception

- a) The time frame described in paragraph (B)(4)(a) of this rule does not apply to a school district if:
 - i. The parent of a child repeatedly fails or refuses to produce the child for the evaluation; or
 - ii. A child enrolls in a new school district of residence after the relevant time frame in paragraph (B)(4)(a) of this rule has begun, and prior to a determination by the child's previous school district of residence as to whether the child is a child with a disability as defined in paragraph (B)(10) of rule 3301-51-01 of the Administrative Code.
 - iii. The exception in paragraph (B)(5)(b) of this rule applies only if the subsequent school district of residence is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent school district agree to a specific time when the evaluation will be completed.

4. Screening for instructional purposes is not evaluation
 - a) The screening of a child by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services.
5. Evaluation procedures
 - a) The school district of residence must provide notice to the parents of a child with a disability, in accordance with rule 3301-51-05 of the Administrative Code that describes any evaluation procedures the school district proposes to conduct.
6. Conduct of evaluation
 - a) In conducting the evaluation, the school district must:
 - i. Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent, that may assist in determining:
 1. Whether the child is a child with a disability as defined in paragraph (B)(10) of rule 3301-51-01 of the Administrative Code; and
 2. The content of the child's individualized education program (IEP), including information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child to participate in appropriate activities);
 - b) Not use any single source of information, such as a single measure or score, as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child; and
 - c) The parent of a child repeatedly fails or refuses to produce the child for the evaluation; or
 - d) A child enrolls in a new school district of residence after the relevant time frame in paragraph (B)(4)(a) of this rule has begun, and prior to a determination by the child's previous school district of residence as to whether the child is a child with a disability as defined in paragraph (B)(10) of rule 3301-51-01 of the Administrative Code.
 - e) The exception in paragraph (B)(5)(b) of this rule applies only if the subsequent school district of residence is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent school district agree to a specific time when the evaluation will be completed.
7. Screening for instructional purposes is not evaluation
 - a) The screening of a child by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services.

8. Evaluation procedures
 - a) Notice -The school district of residence must provide notice to the parents of a child with a disability, in accordance with rule 3301-51-05 of the Administrative Code that describes any evaluation procedures the school district proposes to conduct.
9. Conduct of evaluation
 - a) In conducting the evaluation, the school district must:
 - i. Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent, that may assist in determining:
 1. Whether the child is a child with a disability as defined in paragraph (B)(10) of rule 3301-51-01 of the Administrative Code; and
 2. The content of the child's individualized education program (IEP), including information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child to participate in appropriate activities);
 3. Not use any single source of information, such as a single measure or score, as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child; and
 4. Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.
 5. Other evaluation procedures
 - a. Each school district must ensure that:
 - i. Assessments and other evaluation materials used to assess a child under this rule:
 1. Are selected and administered so as not to be discriminatory on a racial or cultural basis;
 2. Are provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information about what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer;

3. Are used for the purposes for which the assessments or measures are valid and reliable;
4. Are administered by trained and knowledgeable personnel; and
5. Are administered in accordance with any instructions provided by the producer of the assessments.
 - a. Assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.
 - b. Assessments are selected and administered so as best to ensure that if an assessment is administered to a child with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).
 - c. The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities;
 - d. Assessments of children with disabilities who transfer from

one school district to another school district in the same school year are coordinated with those children's prior and subsequent schools, as necessary and as expeditiously as possible, consistent with paragraphs (B)(5)(b) and (B)(6) of this rule, to ensure prompt completion of full evaluations.

- e. In evaluating each child with a disability under paragraphs (E) to (G) of this rule, the evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.
- f. Assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are provided.
- g. Medical consultation shall be encouraged for a preschool or school age child on a continuing basis, especially when school authorities feel that there has been a change in the child's behavior or educational functioning or when new symptoms are detected; and
 - i. For preschool-age children, as appropriate, the evaluation shall include the following specialized assessments:
 - ii. Physical examination completed by a licensed

- Doctor of Medicine or Doctor of osteopathy in cases where the disability is primarily the result of a congenital or acquired physical disability;
- iii. Vision examination conducted by an eye care specialist in cases where the disability is primarily the result of a visual impairment; and
- iv. An audiological examination completed by a certified or licensed audiologist in cases where the disability is primarily the result of a hearing impairment.

ODLS Best Practices

1. The initial evaluation must be completed within 60 calendar days from the date virtual signature for parental consent is received by ODLS.
2. The School Psychologist or designee will collaborate with the Related Services Coordinator who will manage evaluation referrals.
3. The School Psychologists will communicate the ODLS timeline and any relevant procedures to the contracted evaluators. The School Psychologist will monitor the contracted evaluators and evaluation results will be reviewed with the parents at the ETR eligibility meeting.
4. The contracted evaluator will complete the relevant portions of the Comprehensive Eligibility forms as directed by the School Psychologists or Special Education Administration.
5. The special education teacher and School Psychologists will collaborate to schedule the eligibility meeting prior to the end of the 60-day timeline.
6. Parents have the right for their child to have a reevaluation at least every three years. The parents or the IEP team can request a reevaluation more frequently. Generally, comprehensive evaluations shall not occur more frequently than one time per year unless the parent and the school agree that one is needed. See Redeterminations/Reevaluations procedures below for more information.

7. Finally, parents have the right to be involved in the decision about their child's eligibility and the programs and services the child needs as part of the initial evaluation and any subsequent reevaluations or redeterminations.

Reevaluation Timelines

Federal Guidelines- §300.303 Reevaluations

1. General
 - a) Each public agency must ensure that a reevaluation of each child with a disability is conducted in accordance with §§300.304 through 300.311—
 - b) If the public agency determines that the educational or related service needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or
 - c) If the child's parent or teacher requests a reevaluation.
2. Limitation
 - a) A reevaluation conducted under paragraph (a) of this section—
 - i. May occur not more than once a year, unless the parent and the public agency agree otherwise; and
 - ii. Must occur at least once every 3 years, unless the parent and the public agency agree that a reevaluation is unnecessary. (Authority: 20 U.S.C. 1414(a)(2))
 - iii. §300.305 Additional requirements for evaluations and reevaluations

Review of existing evaluation data.

3. As part of an initial evaluation (if appropriate) and as part of any reevaluation under this part, the IEP Team and other qualified professionals, as appropriate, must
 - a) Review existing evaluation data on the child, including— Evaluations and information provided by the parents of the child;
 - i. Current classroom-based, local, or Ohio assessments, and classroom-based observations; and
 - ii. Observations by teachers and related service providers; and (2) On the basis of that review, and input from the child's parents, identify what additional data, if any, are needed to determine Whether the child is a child with a disability, as defined in §300.8, and the educational needs of the child; or
 - iii. In case of a reevaluation of a child, whether the child continues to have such a disability, and the educational needs of the child;
 - b) The present levels of academic achievement and related developmental needs of the child;
 - i. Whether the child needs special education and related services; or
 - ii. In the case of a reevaluation of a child, whether the child continues to need special education and related services; and
 - iii. Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general education curriculum.
4. Conduct of review

- a) The group described in paragraph (a) of this section may conduct its review without a meeting.
- 5. Source of data
 - a) The public agency must administer such assessments and other evaluation measures as may be needed to produce the data identified under paragraph (a) of this section.
- 6. Requirements if additional data are not needed
 - a) If the IEP Team and other qualified professionals, as appropriate, determine that no additional data are needed to determine whether the child continues to be a child with a disability, and to determine the child's educational needs, the public agency must notify the child's parents of—
 - i. That determination and the reasons for the determination; and
 - ii. The right of the parents to request an assessment to determine whether the child continues to be a child with a disability, and to determine the child's educational needs. (2) The public agency is not required to conduct the assessment described in paragraph (d)(1)(ii) of this section unless requested to do so by the child's parents.
- 7. Evaluations before change in eligibility
- 8. Except as provided in paragraph (e)(2) of this section, a public agency must evaluate a child with a disability in accordance with §§300.304 through 300.311 before determining that the child is no longer a child with a disability.
- 9. The evaluation described in paragraph (e)(1) of this section is not required before the termination of a child's eligibility under this part due to graduation from secondary school with a regular diploma, or due to exceeding the age eligibility for FAPE under Ohio law.
- 10. For a child whose eligibility terminates under circumstances described in paragraph (e)(2) of this section, a public agency must provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals.

Independent Educational Evaluation

Federal Guidelines §300.502 Independent educational evaluation

1. General

- a) The parents of a child with a disability have the right under this part to obtain an independent educational evaluation of the child, subject to paragraphs (b) through (e) of this section.
- b) Each public agency must provide to parents, upon request for an independent educational evaluation, information about where an independent educational evaluation may be obtained, and the agency criteria applicable for independent educational evaluations as set forth in paragraph (e) of this section.
- c) For the purposes of this subpart—
 - i) Independent educational evaluation means an evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child in question; and
 - ii) Public expense means that the public agency either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent, consistent with §300.103.
- d) Parent right to evaluation at public expense.
- e) A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the public agency, subject to the conditions in paragraphs (b)(2) through (4) of this section.
- f) If a parent requests an independent educational evaluation at public expense, the public agency must, without unnecessary delay, either—
 - i) File a due process complaint to request a hearing to show that its evaluation is appropriate; or
 - ii) Ensure that an independent educational evaluation is provided at public expense, unless the agency demonstrates in a hearing pursuant to §§300.507 through 300.513 that the evaluation obtained by the parent did not meet agency criteria.
- g) If the public agency files a due process complaint notice to request a hearing and the final decision is that the agency's evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense.
- h) If a parent requests an independent educational evaluation, the public agency may ask for the parent's reason why he or she objects to the public evaluation.
- i) However, the public agency may not require the parent to provide an explanation and may not unreasonably delay either providing the independent educational evaluation at public expense or filing a due process complaint to request a due process hearing to defend the public evaluation.
- j) A parent is entitled to only one independent educational evaluation at public expense each time the public agency conducts an evaluation with which the parent disagrees.

2. Parent-initiated evaluations

- a) If the parent obtains an independent educational evaluation at public expense or shares with the public agency an evaluation obtained at private expense, the results of the evaluation—
 - i) Must be considered by the public agency, if it meets agency criteria, in any decision made with respect to the provision of FAPE to the child; and
 - ii) May be presented by any party as evidence at a hearing on a due process complaint under subpart E of this part regarding that child.
- b) Requests for evaluations by hearing officers.
 - i) If a hearing officer requests an independent educational evaluation as part of a hearing on a due process complaint, the cost of the evaluation must be at public expense.

3. Agency criteria

- a) If an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained,
 - b) including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the public agency uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's right to an independent educational evaluation.
4. Except for the criteria described in paragraph (e)(1) of this section, a public agency may not impose conditions or timelines related to obtaining an independent educational evaluation at public expense. (Authority: 20 U.S.C.1415(b)(1) and (d)(2)(A))

Ohio Guidelines- Independent educational evaluation

1. General

- a) The parents of a child with a disability have the right under this rule to obtain an independent educational evaluation of the child, subject to paragraphs (G)(2) to (G)(5) of this rule.
- b) Each school district of residence must provide to parents, upon request for an independent educational evaluation, information about where an independent educational evaluation may be obtained, and the district's criteria applicable for independent educational evaluations as set forth in paragraph (G)(5) of this rule.
- c) The following terms are defined as they are used in this rule:
 - i) "Independent educational evaluation" means an evaluation conducted by a qualified examiner who is not employed by the school district responsible for the education of the child in question; and
 - ii) "Public expense" means that the school district of residence either pays for the full cost of the evaluation or ensures that the evaluation is

otherwise provided at no cost to the parent, consistent with rule 3301-51-02 of the Administrative Code.

- d) Parent right to evaluation at public expense
 - e) A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the school district of residence, subject to the conditions in paragraphs (G)(2)(b) to (G)(2)(d) of this rule.
 - f) If a parent requests an independent educational evaluation at public expense, the school district of residence must, without unnecessary delay, either
 - i) File a due process complaint to request a hearing to show that its evaluation is appropriate; or
 - ii) Ensure that an independent educational evaluation is provided at public expense, unless the school district of residence demonstrates in a hearing pursuant to paragraphs (K)(2) and (K)(7) to (K)(13) of this rule that the evaluation obtained by the parent did not meet district criteria.
 - g) If the school district files a due process complaint notice to request a hearing and the final decision is that the school district's evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense.
 - h) If a parent requests an independent educational evaluation, the school district of residence may ask for the parent's reason why the parent objects to the public evaluation.
 - i) However, the school district may not require the parent to provide an explanation and may not unreasonably delay either providing the independent educational evaluation at public expense or filing a due process complaint to request a due process hearing to defend the public evaluation.
 - i) A parent is entitled to only one independent educational evaluation at public expense each time the school district conducts an evaluation with which the parent disagrees.
2. Parent-initiated evaluations
- a) If the parent obtains an independent educational evaluation at public expense or shares with the school district an evaluation obtained at private expense, the results of the evaluation:
 - i) Must be considered by the school district of residence, if it meets district criteria, in any decision made with respect to the provision of FAPE to the child; and
 - ii) May be presented by any party as evidence at a hearing on a due process complaint under Subpart E of Part B of the IDEA regarding that child.
 - b) Requests for evaluations by hearing officers. If a hearing officer requests an independent educational evaluation as part of a hearing on a due process complaint, the cost of the evaluation must be at public expense.

3. School district criteria
 - a) If an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the school district of residence uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's right to an independent educational evaluation.
 - b) Except for the criteria described in paragraph (G)(5)(a) of this rule, a school district of residence may not impose conditions or timelines related to obtaining an independent educational evaluation at public expense.

ODLS Best Practices- Independent Evaluation

1. As an Independent Evaluation is conducted by an outside entity, the evaluator may not be under contract with the school or K12.
 - a) Prior to independent evaluation taking place, the parent must agree to the evaluator, from a list of three provided by the school.
 - b) The parent then chooses from the provided list.
 - c) It is recommended that Schools refer to resources from their Department of Education to determine Ohio approved ranges of IEE cost.
2. Independent Education Evaluations
 - a) Statement of purpose
 - i) The following is the rights of a parent under the Ohio Administrative Code 3301-51-05 for an Independent Education Evaluation
 - b) Independent educational evaluation
3. General
 - a) The parents of a child with a disability have the right under this rule to obtain an independent educational evaluation of the child, subject to paragraphs (G)(2) to (G)(5) of this rule.
 - b) Each school district of residence must provide to parents, upon request for an independent educational evaluation, information about where an independent educational evaluation may be obtained, and the district's criteria applicable for independent educational evaluations as set forth in paragraph (G)(5) of this rule.
 - c) The following terms are defined as they are used in this rule:
 - i) "Independent educational evaluation" means an evaluation conducted by a qualified examiner who is not employed by the school district responsible for the education of the child in question; and
 - ii) "Public expense" means that the school district of residence either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent, consistent with rule 3301-51-02 of the Administrative Code.
 - d) Parent right to evaluation at public expense

- e) A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the school district of residence, subject to the conditions in paragraphs (G)(2)(b) to (G)(2)(d) of this rule.
 - f) If a parent requests an independent educational evaluation at public expense, the school district of residence must, without unnecessary delay, either:
 - i) File a due process complaint to request a hearing to show that its evaluation is appropriate; or
 - ii) Ohio Digital Learning School policy in regard to Independent Educational Evaluation (IEE):
4. Legal Guardians
- a) When a legal guardian requests an IEE, the school will ask which area(s) of concern the family has with the testing in order to determine which new testing needs to be done
5. Once the area(s) is made known, the school will provide the legal guardian with a list of providers that they can choose from to complete the testing in the area (s) of concern.
- a) The parent will choose the provider that they are satisfied with and the school will ask the provider to complete the testing.
 - b) Once the testing is complete, the team will meet to determine whether any changes need to be made to the ETR or IEP as a result of the new testing.
6. Criteria for the evaluator completing the testing
- a) Qualifications of the evaluator:
 - i) Must be licensed in the field for which the evaluator will be completing the IEE
 - b) Must be able to complete a full evaluation with a summary of results
 - c) The evaluator testing must focus on how the student is impacted in the educational setting, focusing primarily on how the student is unable to access the grade level curriculum that they are currently completing.
7. Geographic considerations:
- a) Because Ohio Digital Learning School has students all around the state, every attempt will be made to find an evaluator that lives within 100 miles.
 - b) If the evaluator requires the family to travel to the evaluator's office, the school will pay for mileage. No hotel expenses will be paid for.
 - c) If it is possible, the school will arrange for the evaluator to meet at the nearest library.
8. Cost considerations:
- a) Behavior Analyst Evaluation \$750
 - b) Hearing Screening \$150
 - c) Occupational Therapy Evaluation \$400
 - d) Physical Therapy Evaluation \$400

- | | |
|-------------------------------------|-------|
| e) Academic/Intelligence Evaluation | \$700 |
| f) Speech Evaluation | \$375 |

Note to families: In order to have the district pay for the IEE, you must either follow these criteria or demonstrate that unique circumstances are present and that these criteria should not apply. If you wish to have an evaluator complete testing that is not on the school's approved list, your evaluator will need to meet the school's criteria listed above under qualifications, geographic and cost considerations.

Eligibility

Federal Guidelines- §300.306 Determination of eligibility.

1. General.

- a) Upon completion of the administration of assessments and other evaluation measures—

- b) A group of qualified professionals and the parent of the child determines whether the child is a child with a disability, as defined in §300.8, in accordance with paragraph (b) of this section and the educational needs of the child; and
 - c) The public agency provides a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent.
- 2. Special rule for eligibility determination.
 - a) A child must not be determined to be a child with a disability under this part—
 - i) If the determinant factor for that determination is—
 - ii) Lack of appropriate instruction in reading, including the essential components of reading instruction (as defined in section 1208(3) of the ESEA);
 - b) Lack of appropriate instruction in math; or
 - c) Limited English proficiency; and (2) If the child does not otherwise meet the eligibility criteria under §300.8(a).
 - d) Procedures for determining eligibility and educational need.
- 3. In interpreting evaluation data for the purpose of determining if a child is a child with a disability under §300.8, and the educational needs of the child, each public agency must—
 - a) Draw upon information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child's physical condition, social or cultural background, and adaptive behavior; and (ii) Ensure that information obtained from all of these sources is documented and carefully considered.
- 4. If a determination is made that a child has a disability and needs special education and related services, an IEP must be developed for the child in accordance with §§300.320 through 300.324.

Ohio Guidelines- Determination of eligibility

- 1. General upon completion of the administration of assessments and other evaluation measures:
 - a) A group of qualified professionals and the parent of the child determines whether the child is a child with a disability, as defined in rule 3301-51-01 of the Administrative Code, in accordance with paragraph (G)(2) of this rule and the educational needs of the child; and
 - b) The school district provides a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent.
- 2. The written evaluation team report shall include:
 - a) A summary of information obtained during the evaluation process; and
 - b) The names, titles and signatures of each team member, including the parent, and an indication of whether or not they are in agreement with the eligibility determination. Any team member who is not in agreement with the team's determination of disability shall submit a statement of disagreement.
- 3. The school district must provide a copy of the evaluation team report and the documentation of determination of eligibility or continued eligibility to the parents prior to the next IEP meeting and in no case later than fourteen days from the date of eligibility determination.
- 4. Special rule for eligibility determination:
 - a) A child must not be determined to be a child with a disability under this rule:
 - i) If the determinant factor for that determination is:
 - (1) Lack of appropriate instruction in reading, including the essential components of reading instruction as defined in Section 1208(3) of the Elementary and Secondary Education Act of 1965, as amended and specified in the No Child Left Behind Act of 2001, January 2002, 20 U.S.C. 6301 (ESEA)
 - ii) Lack of appropriate instruction in math; or

- iii) Limited English proficiency; and (b) If the child does not otherwise meet the eligibility criteria under paragraph (B)(10) of rule 3301-51-01 of the Administrative Code.
 - b) Procedures for determining eligibility and educational need:
 - i) (a) In interpreting evaluation data for the purpose of determining if a child is a child with a disability as defined in paragraph (B)(10) of rule 3301-51-01 of the Administrative Code, and the educational needs of the child, each school district must:
 - ii) Draw upon information from a variety of sources, including aptitude and achievement tests, state and districtwide assessments, parent input, and teacher recommendations, as well as information about the child's physical condition, social or cultural background, and adaptive behavior; and
- 5. Ensure that information obtained from all of these sources is documented and carefully considered.
- 6. If a determination is made that a child has a disability and needs special education and related services, an IEP must be developed for the child in accordance with rule 3301-51-07 of the Administrative Code.

ODLS Best Practices

1. Once the evaluation is completed, the eligibility team, including the parent, will decide whether the student is eligible for special education services.
 - a) This involves meeting eligibility requirements as described by Ohio's approved 13 eligibility categories. The parent is included on the team and is provided a copy of the evaluation report as well as a copy of the eligibility decision.
2. Many times a parent will request a copy of the evaluation report prior to the eligibility meeting in order to read and understand the results of the evaluation. The law does not require that the parent be provided with a copy prior to the eligibility decision.
 - a) On occasion, it is appropriate to provide it prior to a meeting.
 - b) Other times, the report is not provided until a time at which the evaluation specialist can meet with the parent to explain the results of the evaluation.
 - c) Many of the assessments that are administered as part of the evaluation have results that are reported in numbers that have little meaning to a parent or others until an explanation is also provided. If the results are confusing or upsetting to the parent, it may be necessary to conduct a meeting to discuss the results of the evaluation and then convene a later meeting for the eligibility decision.
3. In order to be eligible to receive special education services, the student must meet the requirements of one or more of the following categories:
 - a) Federal Eligibility Categories
 - i) Autism Spectrum Disorder (AUT)
 - ii) Deaf-Blind (D/B)
 - iii) Deafness (D)
 - iv) Developmental Delay (DD)- Preschool Only
 - v) Emotional Disturbance (ED)
 - vi) Hearing Impairment (HI)
 - vii) Intellectual Disability (ID)
 - viii) Multiple Disabilities (MD)
 - ix) Orthopedic Impairment (OI)
 - x) Other Health Impairment (OHI)
 - xi) Specific Learning Disability (SLD)
 - xii) Speech Impairment (SI)

- xiii) Language Impairment (LI)
- xiv) Traumatic Brain Injury (TBI)
- xv) Visual Impairment, including Blindness (VI)
- xvi) Additional Ohio Eligibility Categories
 - (1) Speech and Language Impairment (SLI)
 - (2) Other Health Impairment- Major or Minor (OHI)

Additional Procedures for Identifying Students with Specific Learning Disabilities

Federal Guidelines §300.307 Specific learning disabilities.

1. General.

- a) A state must adopt, consistent with §300.309, criteria for determining whether a child has a specific learning disability as defined in §300.8(c)(10). In addition, the criteria adopted by the state—
 - b) Must not require the use of a severe discrepancy between intellectual ability and achievement for determining whether a child has a specific learning disability, as defined in §300.8(c)(10);
 - c) Must permit the use of a process based on the child's response to scientific, research-based intervention; and
 - d) May permit the use of other alternative research-based procedures for determining whether a child has a specific learning disability, as defined in §300.8(c)(10).
2. Consistency with state criteria.

A public agency must use the state criteria adopted pursuant to paragraph (a) of this section in determining whether a child has a specific learning disability. (Authority: 20 U.S.C. 1221e-3; 1401(30); 1414(b)(6))

Ohio Guidelines Specific Learning Disability

1. General

- a) The Ohio department of education adopts in this rule, criteria for determining whether a child has a specific learning disability as defined in paragraph (B)(10)(d)(x) of rule 3301-51-01 of the Administrative Code. The criteria adopted by the state in this rule:
 - i) Do not require the use of a severe discrepancy between intellectual ability and achievement for determining whether a child has a specific learning disability, as defined in paragraph (B)(10)(d)(x) of rule 3301-51-01 of the Administrative Code;
 - ii) Permit the use of a process based on the child's response to scientific, research-based intervention; and
 - iii) Permit the use of other alternative research-based procedures for determining whether a child has a specific learning disability as defined in paragraph (B)(10)(d)(x) of rule 3301-51-01 of the Administrative Code.
 - b) Consistency with state criteria
 - c) A school district must use the state criteria adopted in this rule pursuant to paragraph (H)(1) of this rule in determining whether a child has a specific learning disability.
Additional group members
 - d) The determination of whether a child suspected of having a specific learning disability is a child with a disability, as defined in rule 3301-51-01 of the Administrative Code, must be made by the child's parents and a team of qualified professionals which must include:
 - i) The child's regular teacher; or
 - ii) If the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of the child's age; or
 - iii) For a child of less than school-age, an individual qualified by the Ohio department of education to teach a child of the child's age; and
 - iv) At least one person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher.
2. Determining the existence of a specific learning disability
- a) The group described in paragraph (G) of this rule may determine that a child has a specific learning disability, as defined in paragraph (B)(10)(d)(x) of rule 3301-51-01 of the Administrative Code, if:

- i) The child does not achieve adequately for the child's age or to meet state-approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the child's age or state-approved grade-level standards:
 - (1) Oral expression;
 - (2) Listening comprehension;
 - (3) Written expression;
 - (4) Basic reading skill;
 - (5) Reading fluency skills;
 - (6) Reading comprehension;
 - (7) Mathematics calculation; or
 - (8) Mathematics problem-solving.
 - b) The child does not make sufficient progress to meet age or state-approved grade-level standards in one or more of the areas identified in paragraph (H)(3)(i) of this rule when using a process based on the child's response to scientific, research-based intervention; or
 - c) The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade-level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability, using appropriate assessments, consistent with paragraphs (E) and (F) of this rule; and
 - d) The group determines that its findings under paragraphs (H)(3)(a)(i) to (H)(3)(a)(iii) of this rule are not primarily the result of:
 - i) A visual, hearing, or motor disability;
 - ii) Mental retardation;
 - iii) Emotional disturbance;
 - iv) Cultural factors;
 - v) Environmental or economic disadvantage; or
 - vi) Limited English proficiency.
- 3. To ensure that underachievement in a child suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, the group must consider, as part of the evaluation described in paragraphs (E) to (G) of this rule:
 - a) Data that demonstrate that prior to, or as a part of, the referral process, the child was provided appropriate instruction in regular education settings, delivered by qualified personnel; and
 - b) Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the child's parents.
- 4. The school district must promptly request parental consent to evaluate the child to determine if the child needs special education and related services, and must adhere to the time frames described in paragraphs (B) and (D) of this rule, unless the time frames are extended by mutual written agreement of the child's parents and a group of qualified professionals, as described in paragraph (G)(1)(a) of this rule:
 - a) If, prior to a referral, a child has not made adequate progress after an appropriate period of time when provided instruction, as described in paragraphs (H)(3)(b)(i) and (H)(3)(b)(ii) of this rule; and
 - b) Whenever a child is referred for an evaluation.
- 5. An evaluation may utilize a process based on the child's response to scientific, research-based intervention to determine whether a child has a specific learning disability. This process:

- a) Begins when sufficient data have been gathered and analyzed under conditions of targeted and intensive individualized intervention conditions, when there is evidence of an inadequate response to intervention on the part of the child, and the group determines that the child's needs are unlikely to be met without certain specialized instruction in addition to the regular classroom instruction;
 - b) Employs interventions that are scientifically-based and provided at appropriate levels of intensity, frequency, duration, and integrity, relative to the child's identified needs;
 - c) Is based on results of scientifically-based, technically adequate assessment procedures that assess ongoing progress while the child is receiving scientifically-based instruction, and that have been reported to the child's parents;
 - d) Includes the analysis of data described in paragraphs (H)(3)(b)(i) and (H)(3)(b)(ii) of this rule to determine whether a discrepancy is present between actual and expected performance, in both the child's rate of progress in developing skills, and in the child's level of performance on measures assessing one or more of the academic areas listed in paragraph (H)(3)(a)(i) of this rule;
 - e) May not be used to delay unnecessarily a child's being evaluated to determine eligibility for special education services.
6. A school district may use alternative, research-based procedures for determining whether a child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade-level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability, if prior approval of the procedures has been granted by the Ohio department of education.
 7. The school district must develop written procedures for the implementation of any method used to determine the existence of a specific learning disability that, at a minimum, incorporate guidelines developed by the Ohio department of education as specified in this rule.

ODLS Best Practices

ODLS follows state and federal guidelines regarding identifying a student with Specific Learning Disabilities

Parent IEP & Eligibility Meeting Notification Process

Federal Guidelines

The public agency must provide notice to the parents of a child with a disability, in accordance with §300.503, that describes any evaluation procedures the agency proposes to conduct.

Ohio Guidelines

The public agency must provide notice to the parents of a child with a disability, in accordance with §300.503, that describes any evaluation procedures the agency proposes to conduct.

ODLS Best Practices

1. Parental input will be gathered for the IEP and ETR meeting dates and times.
2. If, after 3 varied attempts (see examples below) the teacher cannot reach the parent, a date/time will be set by school staff allowing for 5 days notification through email.
3. If the parent does not respond to the three attempts, ODLS will hold the IEP meeting or reevaluation meeting to maintain timelines.
4. Initial eligibility meetings cannot be held without the parent.
5. Initial IEP meetings can be held without the parent to maintain timelines, however, special education services will not start until the IEP is signed by the parent.
 - a) Notice #1 – Email
 - b) Notice #2 – Email
 - c) Notice #3 – Phone
 - d) Notice #4 - Certified letter containing Notice of Meeting
6. If the parent responds and indicates that they wish to participate in the development of the IEP, but cannot meet, school staff must document the multiple good faith attempts to involve the parent before conducting the IEP without the parent.
 - a) This should only be done if the delay of the IEP meeting will cause timelines to not be met.
7. The parent may opt to waive the 5-day notification and hold the IEP meeting earlier.
 - a) This is documented within the notes of the IEP and the parent signs the notice of meeting indicating that they have chosen to waive this right.

Parent Request for IEP Meeting

ODLS Best Practice

1. Upon request for an IEP meeting from a parent or other team member, the assigned special education teacher will gather parent input for meeting time and date within 3 days of the initial request, allowing a 5-day notification of the meeting time/date to the IEP team.
2. Notice of Meeting will be sent to parent via email.

If the request is not honored or the meeting is unnecessarily delayed the parent may contact the Lead Special Education Teacher (Elementary, Middle, or High School) or the Special Education Manager at the school for assistance.

Prior Written Notice by the District

Federal Guidelines

1. Written prior notice to the parents of the child, in accordance with subsection (c)(1), whenever the local educational agency—
 - a) proposes to initiate or change; or
 - b) refuses to initiate or change, the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to the child.
2. Content of prior written notice.

- a) The notice required by subsection (b)(3) shall include—
 - i) a description of the action proposed or refused by the agency;
 - ii) an explanation of why the agency proposes or refuses to take the action and a description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action;
 - iii) a statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained;
 - iv) sources for parents to contact to obtain assistance in understanding the provisions of this part;
 - v) a description of other options considered by the IEP Team and the reason why those options were rejected; and
 - vi) a description of the factors that are relevant to the agency's proposal or refusal.

Ohio Guidelines

1. Prior notice by the school district; content of notice
 - a) Notice Written notice that meets the requirements of paragraph (H)(2) of this rule must be given to the parents of a child with a disability a reasonable time before the school district of residence:
 - b) Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or
 - c) Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.
2. Content of notice
 - a) The notice required under paragraph (H)(1) of this rule must include:
 - i) A description of the action proposed or refused by the school district;
 - ii) An explanation of why the school district proposes or refuses to take the action;
 - iii) A description of each evaluation procedure, assessment, record, or report the school district used as a basis for the proposed or refused action;
 - iv) A statement that the parents of a child with a disability have protection under the procedural safeguards of this rule and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained;
 - v) Sources for parents to contact to obtain assistance in understanding the provisions of this rule;
 - vi) A description of other options that the IEP team considered and the reasons why those options were rejected; and
 - vii) A description of other factors that are relevant to the school district's proposal or refusal.
3. Notice in understandable language
 - a) The notice required under paragraph (H)(1) of this rule must be:
 - b) Written in language understandable to the general public; and
 - c) Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.
 - d) If the native language or other mode of communication of the parent is not a written language, the school district must take steps to ensure:
 - i) That the notice is translated orally or by other means to the parent in the parent's native language or other mode of communication;
 - ii) That the parent understands the content of the notice; and
 - iii) That there is written evidence that the requirements in paragraphs (H)(3)(b)(i) and (H)(3)(b)(ii) of this rule have been met.

4. Additional notice requirements
 - a) Prior written notice shall be provided to the parents of a child with a suspected or confirmed disability within thirty days of the date of referral.
 - b) Prior written notice shall be provided to the parents of a child with a suspected or confirmed disability prior to a change of placement that is a result of a disciplinary action.

ODLS Best Practices

1. ODLS will inform the legal guardian of actions being proposed or refused regarding their child by giving written notice before proposing or refusing to initiate or change the following:
 - a) identification (process to determine eligibility),
 - b) evaluation (nature and scope of assessment procedures),
 - c) educational placement (educational placement of children including graduation), or
 - d) FAPE (the provision of a free appropriate public education to children).
2. A Prior Written Notice is written after an IEP meeting to summarize events of the meeting.
3. At other times, the parent will make a request and ODLS will respond in writing.
4. The prior written notice will contain
 - a) a description of the action refused or proposed by the district;
 - b) an explanation of why the district refuses or proposes to take the action;
 - c) a description of the evaluation procedure, assessment, records, or report used as a basis for the proposed or refused action;
 - d) a statement that the parents have the protections of the procedural safeguards;
 - e) the sources for the parents to contact to understand the procedural safeguards;
 - f) a description of other options the IEP team considered and the reasons why those options were rejected
 - g) and a description of other factors that are relevant to the district's proposal or refusal.

IEP Meeting Protocols

Federal Guidelines §300.324 Development, review, and revision of IEP.

Development of IEP—

1. General.
 - a) In developing each child's IEP, the IEP Team must consider—
 - b) The strengths of the child;
 - c) The concerns of the parents for enhancing the education of their child;

- d) The results of the initial or most recent evaluation of the child; and
 - e) The academic, developmental, and functional needs of the child.
2. Consideration of special factors.
- a) The IEP Team must— In the case of a child whose behavior impedes the child's learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior;
 - b) In the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP;
 - c) In the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP Team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child;
 - d) Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode; and
 - e) Consider whether the child needs assistive technology devices and services.
 - f) Requirement with respect to regular education teacher.
 - g) A regular education teacher of a child with a disability, as a member of the IEP Team, must, to the extent appropriate, participate in the development of the IEP of the child, including the determination of—
 - h) Appropriate positive behavioral interventions and supports and other strategies for the child; and
 - i) Supplementary aids and services, program modifications, and support for school personnel consistent with §300.320(a)(4).
3. Agreement
- a) In making changes to a child's IEP after the annual IEP Team meeting for a school year, the parent of a child with a disability and the public agency may agree not to convene an IEP Team meeting for the purposes of making those changes, and instead may develop a written document to amend or modify the child's current IEP.
 - b) If changes are made to the child's IEP in accordance with paragraph (a)(4)(i) of this section, the public agency must ensure that the child's IEP Team is informed of those changes.
4. Consolidation of IEP Team meetings.
- a) To the extent possible, the public agency must encourage the consolidation of reevaluation meetings for the child and other IEP Team meetings for the child.
5. Amendments.
- a) Changes to the IEP may be made either by the entire IEP Team at an IEP Team meeting, or as provided in paragraph (a)(4) of this section, by amending the IEP rather than by redrafting the entire IEP.
 - b) Upon request, a parent must be provided with a revised copy of the IEP with the amendments incorporated.
 - c) Review and revision of IEPs:
6. General.
- a) Each public agency must ensure that, subject to paragraphs (b)(2) and (b)(3) of this section, the IEP Team—
 - b) Reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and
7. Revises the IEP, as appropriate, to address—

- a) Any lack of expected progress toward the annual goals described in §300.320(a)(2), and in the general education curriculum, if appropriate;
 - b) The results of any reevaluation conducted under §300.303;
 - c) Information about the child provided to, or by, the parents, as described under §300.305(a)(2);
 - d) The child's anticipated needs; or other matters.
 - e) Consideration of special factors.
8. Review
- a) In conducting a review of the child's IEP, the IEP Team must consider the special factors described in paragraph (a)(2) of this section.
 - b) Requirement with respect to regular education teacher.
 - c) A regular education teacher of the child, as a member of the IEP Team, must, consistent with paragraph (a)(3) of this section, participate in the review and revision of the IEP of the child.
 - d) Failure to meet transition objectives:
 - e) Participating agency failure.
 - f) If a participating agency, other than the public agency, fails to provide the transition services described in the IEP in accordance with §300.320(b), the public agency must reconvene the IEP Team to identify alternative strategies to meet the transition objectives for the child set out in the IEP.
9. Construction.
- a) Nothing in this part relieves any participating agency, including an Ohio vocational rehabilitation agency, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to children with disabilities who meet the eligibility criteria of that agency.
10. Children with disabilities in adult prisons:
- a) Requirements that do not apply.
11. The following requirements do not apply to children with disabilities who are convicted as adults under Ohio law and incarcerated in adult prisons:
- a) The requirements contained in section 612(a)(16) of the Act and §300.320(a)(6) (relating to participation of children with disabilities in general assessments).
 - b) The requirements in §300.320(b) (relating to transition planning and transition services) do not apply with respect to the children whose eligibility under Part B of the Act will end, because of their age, before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release.
12. Modifications of IEP or placement.
- a) Subject to paragraph (d)(2)(ii) of this section, the IEP Team of a child with a disability who is convicted as an adult under Ohio law and incarcerated in an adult prison may modify the child's IEP or placement if the Ohio has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated.
 - b) The requirements of §§300.320 (relating to IEPs), and 300.112 (relating to LRE), do not apply with respect to the modifications described in paragraph (d)(2)(i) of this section. (Authority: 20 U.S.C. 1412(a)(1), 1412(a)(12)(A)(i), 1414(d)(3), (4)(B), and (7); and 1414(e))

Ohio Guidelines- Development, review, and revision of IEP

Development of IEP

1. General

- a) In developing each child's IEP, the IEP team must consider:
 - i) The strengths of the child;
 - ii) The concerns of the parents for enhancing the education of their child;

- iii) The results of the initial or most recent evaluation of the child;
 - iv) The results of the child's performance on any state or districtwide assessment programs, as appropriate; and
 - v) The academic, developmental, and functional needs of the child.
- 2. Consideration of special factors
- 3. The IEP team must:
 - a) In the case of a child whose behavior impedes the child's learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior;
 - b) In the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP;
 - c) In the case of a child who is blind or visually impaired:
 - i) Provide for instruction in braille and the use of braille unless the IEP team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in braille or the use of braille), that instruction in braille or the use of braille is not appropriate for the child; and
 - ii) Ensure that the requirements for IEPs for children with visual impairments are implemented as provided in section 3323.011 of the Revised Code;
 - d) Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode; and
 - e) Consider whether the child needs assistive technology devices and services.
 - f) Requirement with respect to regular education teacher
 - g) A regular education teacher of a child with a disability, as a member of the IEP team, must, to the extent appropriate, participate in the development of the IEP of the child, including the determination of: Appropriate positive behavioral interventions and supports and other strategies for the child; and
 - h) Supplementary aids and services, program modifications, and support for school personnel consistent with paragraph (H)(1)(e) of this rule.
- 4. Agreement
 - a) In making changes to a child's IEP after the annual IEP team meeting for a school year, the parent of a child with a disability and the school district may agree not to convene an IEP team meeting for the purposes of making those changes, and instead may develop a written document to amend or modify the child's current IEP.
 - b) If the IEP team amends or modifies the child's current IEP, as described in paragraph (L)(1)(d)(i) of this rule, the annual review date for the amended or modified IEP does not change. The annual review date will change upon a complete review and revision of the child's IEP as outlined in paragraph (L)(2) of this rule.
 - c) If changes are made to the child's IEP in accordance with paragraph (L)(1)(d)(i) of this rule, the school district must ensure that the child's IEP team is informed of those changes.
- 5. Consolidation of IEP team meetings
 - a) To the extent possible, the school district must encourage the consolidation of reevaluation meetings for the child and other IEP team meetings for the child.
- 6. Amendments
 - a) Changes to the IEP may be made either by the entire IEP team at an IEP team meeting, or as provided in paragraph (L)(1)(d) of this rule, by amending the IEP rather than by redrafting the

entire IEP. When an IEP is amended the school district shall send a copy of the amended IEP to the parent within thirty days of the date the IEP was amended.

7. Review and revision of

IEPs General

- a) Each school district must ensure that, subject to paragraphs (L)(2)(b) and (L)(2)(c) of this rule, the IEP team:
 - b) Reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and
 - c) Revises the IEP, as appropriate, to address:
 - d) Any lack of expected progress toward the annual goals described in paragraph (H)(1)(c) of this rule, and in the general education curriculum, if appropriate;
 - i) The results of any reevaluation conducted under rule 3301-51-06 of the Administrative Code;
 - ii) Information about the child provided to, or by, the parents, as described under paragraph (F)(1)(b) of rule 3301-51-06 of the Administrative Code;
8. The child's anticipated needs; or other matters.
9. Consideration of special factors
- a) In conducting a review of the child's IEP, the IEP team must consider the special factors described in paragraph (L)(1)(b) of this rule.
10. Requirement with respect to regular education teacher
- a) A regular education teacher of the child, as a member of the IEP team, must, consistent with paragraph (L)(1)(c) of this rule, participate in the review and revision of the IEP of the child.
11. Failure to meet transition objectives
12. Participating agency failure
- a) If a participating agency, other than the school district, fails to provide the transition services described in the IEP in accordance with paragraph (H)(2) of this rule, the school district must reconvene the IEP team to identify alternative strategies to meet the transition objectives for the child set out in the IEP.
13. Construction
14. Nothing in this rule relieves any participating agency, including a state vocational rehabilitation agency, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to children with disabilities who meet the eligibility criteria of that agency.
15. Children with disabilities in adult prisons
- a) Requirements that do not apply
 - b) The following requirements do not apply to children with disabilities who are convicted as adults under state law and incarcerated in adult prisons:
16. The requirements contained in Section 612(a)(16) of the IDEA and paragraph (H)(1)(g) of this rule (relating to participation of children with disabilities in general assessments).
17. The requirements in paragraph (H)(2) of this rule (relating to transition planning and transition services) do not apply with respect to the children whose eligibility under Part B of the IDEA will end, because of their age, before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release.
18. Modifications of IEP or placement
- a) Subject to paragraph (L)(4)(b)(ii) of this rule, the IEP team of a child with a disability who is convicted as an adult under state law and incarcerated in an adult prison may modify the child's IEP or placement if the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated.
 - b) The requirements of paragraphs (E) and (H) of this rule do not apply with respect to the modifications described in paragraph (L)(4)(b)(i) of this rule.

ODLS Best Practices

1. All IEP Meetings (unless otherwise agreed to) are to be held in an online meeting room with the option of a participant participating by teleconference.
2. IEP Meetings can be recorded at the request of an IEP team member. The recording will be available to the parent, teacher and administration for review within the online school calendar.
3. The IEP team consists of the legal guardian, student, regular education and special education teachers and a district representative. A legal guardian may request any additional participants.
4. All IEP Meetings will be concluded with a Prior Written Notice summarizing what was discussed at the meeting.
5. ORDER OF THE MEETING
The legal guardian will be provided with Procedural Safeguards.
 - a) An introduction of each team member along with their role is to be done by the meeting facilitator or by each member themselves.
 - b) A draft copy of the IEP will be posted on the screen so updates can be made as the meeting progresses.
 - c) Each section of the IEP will be reviewed and updated as appropriate with input from IEP team members. Not all sections will be applicable to every student.
 - d) Once the IEP has been reviewed and updated in its entirety, the actions to be taken as a result of the IEP meeting should be reviewed.
 - e) The meeting facilitator should ask if there are any further questions and/or concerns. Address as appropriate.
 - f) The meeting facilitator will gather signatures
 - g) The meeting facilitator should officially conclude the meeting by thanking everyone for attending and by providing their contact information.

Transition Services

Federal Guidelines- Transition services

1. Transition services means a coordinated set of activities for a child with a disability that—
 - a) Is designed to be within a result-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;
 - ii) Is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; and includes:

- (1) Instruction;
 - (2) Related services;
 - (3) Community experiences;
 - iii) The development of employment and other post-school adult living objectives; and
 - iv) If appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.
- 2. Transition services for children with disabilities may be special education, if provided as specially designed instruction, or a related service, if required to assist a child with a disability to benefit from special education. (Authority: 20 U.S.C. 1401(34))

Ohio Guidelines- Transition services

- 1. Beginning no later than the first IEP to be in effect when the child turns fourteen, or younger if determined appropriate by the IEP team, and updated annually, thereafter, the IEP must include:
 - a) Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to
 - i) training
 - ii) education
 - iii) if assessment data supports the need, independent living skills
 - b) Appropriate measurable post-secondary goals based on age appropriate transition assessments related to
 - i) integrated employment in a competitive environment; and
 - ii) transition services (including courses of study) needed to assist the child in reaching those goals.

ODLS Best Practices

Secondary transition planning is a coordinated set of activities designed to help students with disabilities and their families think about their life after high school, identify long-range goals, and then create a secondary school experience to help students gain the skills and connections they need to achieve these goals.

- 1. Transition requirements begin no later than in the first individualized education program (IEP) that will be in effect when the student is 14
 - a) To confirm that secondary transition plans are in place by the student's 14th birthday, an internal monitoring system has been put in place to ascertain if the required code has been entered into EMIS.
- 2. Transition Service Plans must be developed for each child turning 14 during the current IEP.
 - a. The transition plan must be updated annually
 - b. Transition Plan must include measurable postsecondary goals and transition services (including courses of study) needed to assist the student in reaching those goals. This is found in
 - i. Step 1 - Future Planning and Step 3 – Profile which are designed to identify the student's strengths, preferences, interests, and needs.
 - c. Using age- appropriate assessments in three areas, the plan should

- encompass the student's course of study and include measurable postsecondary goals for students based on age-appropriate transition assessments related to training/education, employment, and independent living skills (if appropriate) and a description of transition services.
- d. This is found in Step 4 – Postsecondary Transition and Step 5 – Postsecondary Transition Services.
 3. Training and guidance for special education teachers on developing Transition Plans will be provided by ODLS leadership staff.
 4. The plan details the student's needs based on an age appropriate standardized/formal assessment and the course of study (diploma type) the child plans to earn.
 5. This must be updated at least annually and is the road map to post-secondary outcome goals (what the student plans to do after high school).
 - a. To facilitate the development of the secondary transition plan the following steps will be taken:
 - i. Student and Parent interviews
 - ii. Review of current classroom assessments, individual evaluations, school wide testing, and statewide testing
 - iii. Consultation with Transition Staff
 - iv. Transition Survey
 6. When students turn 18, all due process rights transfer to them.
 7. They must be informed of this Transfer of Rights at age 17.
 8. To ensure that secondary transition plan meets the requirement of the law, the individual plan will be self-reviewed by the intervention specialist who wrote the plan, utilizing the Indicator 13 Checklist.

Transition services may require support from multiple outside local agencies such as Bureau of Vocational Rehabilitation and Department of Developmental Disabilities, for the purpose of making choices, develop connections, and access services.

Summary of Performance

Federal Guidelines. §300.305 (e) (3) Summary of Performance

1. For a child whose eligibility under this part terminates under circumstances described in paragraph (e) (2) of this section, a public agency must provide the child with a summary of the child's:
 - a) academic achievement and functional performance,
 - b) which shall include recommendations on how to assist the child in meeting the child's postsecondary goals.

2. §300.305 (e) (2) The evaluation described in paragraph (e)(1) of this section is not required before the termination of a child's eligibility under this part due to graduation from secondary school with a regular diploma, or due to exceeding the age eligibility for FAPE under State law.

Ohio Guidelines

Ohio Operating Standards for the Education of Children with Disabilities 3301-51-06 (5) (c)

1. Evaluations before change in eligibility
2. Except as provided in paragraph (F)(5)(b) of this rule, a school district must evaluate a child with a disability in accordance with paragraphs (E) to (I) of this rule before determining that the child is no longer a child with a disability.
3. The evaluation described in paragraph (F)(5)(a) of this rule is not required before the termination of a child's eligibility under this rule due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for a free appropriate public education (FAPE) under state law.

For a child whose eligibility terminates under circumstances described in paragraph (F)(5)(b) of this rule, a school district must provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals.

ODLS Best Practices

1. Reevaluation is not needed when the student:
 - a) graduates with a regular diploma, or
 - b) exceeds the age of eligibility for FAPE (by the end of their 21st birthday). The student may complete the school year currently enrolled.

ODLS must, however, provide the student with a summary of academic and functional performance that includes recommendations for meeting postsecondary goals when the student is graduating with a regular diploma or aging out of school. Best practice would also include providing the summary of performance for the student who receives a special education diploma or other exit document.

Transfer of Rights

Federal Guidelines §300.520 Transfer of parental rights at age of majority.

1. **General.**

- a) A state may provide that, when a child with a disability reaches the age of majority under state law that applies to all children (except for a child with a disability who has been determined to be incompetent under state law)—
 - i) The public agency must provide any notice required by this part to both the child and the parents; and
- b) All rights accorded to parents under Part B of the Act transfer to the child;

- c) All rights accorded to parents under Part B of the Act transfer to children who are incarcerated in an adult or juvenile, state or local correctional institution; and
- 2. Whenever a state provides for the transfer of rights under this part pursuant to paragraph (a)(1) or (a)(2) of this section, the agency must notify the child and the parents of the transfer of rights.
- 3. Special rule
 - a) A state must establish procedures for appointing the parent of a child with a disability, or, if the parent is not available, another appropriate individual, to represent the educational interests of the child throughout the period of the child's eligibility under Part B of the Act if, under state law, a child who has reached the age of majority, but has not been determined to be incompetent, can be determined not to have the ability to provide informed consent with respect to the child's educational program. (Authority: 20 U.S.C. 1415(m))

Ohio Guidelines- Transfer of parental rights at age of majority

- 1. Beginning no later than one year before a child with a disability (except for a child with a disability who has been determined to be incompetent under Ohio law) reaches the age of majority under Ohio law (eighteen years of age), the IEP must include a statement that the child and parent have been informed of the child's rights under Part B of the Act that will transfer to the child upon reaching the age of majority.
- 2. When a child with a disability reaches the age of majority under Ohio law (eighteen years of age) that applies to all children (except for a child with a disability who has been determined to be incompetent under Ohio law):
 - a) All rights accorded to parents under Part B of the IDEA and Chapter 3323. of the Revised Code transfer to the child;
 - b) All rights accorded to parents under Part B of the IDEA and Chapter 3323. of the Revised Code transfer to children who are incarcerated in an adult or juvenile, state or local correctional institution; and
 - c) The school district of residence must provide the notice required by this rule

ODLS Best Practices

- 1) In Ohio, when a student reaches 18 years old, he/she is an adult unless legal action is taken.
 - a) On or before a student's 17th birthday and during the IEP meeting, ODLS informs the legal guardian and the student that, at age 18, the student attains the age of majority in Ohio and will become his or her own educational decision maker.
 - b) ODLS may also inform legal guardians of other options or about where to get more information about guardianships, powers of attorney, and any other options. For example, it may be that for some students, a guardianship or a more limited form of transfer of rights would be necessary.
- 2) Beginning at age 18, the school is to send all notices to both the legal guardian and the student, but the student will provide informed written consent for any action requested by ODLS.

- a) When the student turns 18, he or she becomes the educational decision maker; but, while the student is eligible under the IDEA, the legal guardian retains the right to all notices of meetings, notices of changes in program or placement, and notices of evaluations.

Functional Behavior Assessment/Behavior Intervention Plans

Federal Guidelines

Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

Ohio Guidelines

1. A functional behavioral assessment (FBA) must be conducted when the IEP team determines that the student's behavior is a manifestation of the student's disability.
2. An FBA may be conducted, as determined appropriate by the student's IEP team, if the student's behavior results in disciplinary action that changes the child's placement on the continuum of alternative placement options.

A behavior intervention plan needs to follow the FBA and be attached to the IEP.

ODLS Best Practices

1. Prior to starting any FBA data collection, legal guardian consent must be obtained.
2. The special education teacher has 30 school days to gather information, analyze data, develop a behavior intervention plan, and hold an IEP Meeting.
3. A referral is made to Behavior Services Liaison or a contracted behavior specialist indicating that a Functional Behavior Assessment may be necessary.
4. Parent/Guardian, General Education Teacher (at least one), Academic Advisor (at least one), and Special Education Teacher complete Behavior Referral form.
5. Behavior Services Liaison or contracted behavior specialist completes FBA Summary Documentation
6. Analyze data to develop Behavior Intervention Plan and hold IEP meeting to review and finalize plan.

Reporting IEP Progress

Federal Guidelines

1. How the child's progress toward meeting the annual goals will be measured; and

2. When periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided

Ohio Guidelines

1. Progress Reports must be provided to parents of a child with a disability at least as often as report cards are issued to all children.
If the district provides interim reports to all children, progress reports must be provided to all parents of a child with a disability.

ODLS Best Practices

1. Progress Monitoring should be a fluid and consistent daily routine for all special education services.
2. Data should drive the IEP goals and interventions and show positive growth.
3. If positive growth towards goals is not achieved, interventions and IEP goals should be revisited and amended as appropriate to meet the individual needs of each student.
4. This guide is to assist schools in assuring progress monitoring and services documentation, data collection and review and appropriate service implementation to assist in student growth and achievement.
5. Progress reports are provided semi-annually (every 18 Weeks) at the time that report cards are sent out.

Extended School Year Services (ESY)

Federal Guidelines

§300.106 Extended school year services.

1. General.

- a) Each public agency must ensure that extended school year services are available as necessary to provide FAPE, consistent with paragraph (a)(2) of this section.
 - b) Extended school year services must be provided only if a child's IEP Team determines, on an individual basis, in accordance with §§300.320 through 300.324, that the services are necessary for the provision of FAPE to the child.
- 2. In implementing the requirements of this section, a public agency may not—
 - a) Limit extended school year services to particular categories of disability; or
 - b) Unilaterally limit the type, amount, or duration of those services.
- 3. Definition.
 - a) As used in this section, the term extended school year services means special education and related services that—
 - i) Are provided to a child with a disability—
 - ii) Beyond the normal school year of the public agency;
 - iii) In accordance with the child's IEP; and
 - iv) At no cost to the parents of the child; and
- 4. Meet the standards of the SEA. (Approved by the Office of Management and Budget under control number 1820-0030) (Authority: 20 U.S.C. 1412(a)(1))

Ohio Guidelines

Extended school year services

- 1. General
 - a) Each school district must ensure that extended school year services are available as necessary to provide FAPE, consistent with this rule.
 - b) Extended school year services must be provided only if a child's IEP team determines, on an individual basis, in accordance with rule 3301-51-07 of the Administrative Code, that the services are necessary for the provision of FAPE to the child.
 - c) Additionally, the school district shall consider the following when determining if extended school year services should be provided:
 - i) Whether extended school year services are necessary to prevent significant regression of skills or knowledge retained by the child so as to seriously impede the child's progress toward the child's educational goals; and
 - ii) Whether extended school year services are necessary to avoid something more than adequately recoupable regression.
- 2. In implementing the requirements of this rule, a school district shall not:
 - a) Limit extended school year services to particular categories of disability; or
 - b) Unilaterally limit the type, amount, or duration of those services.
- 3. Definition
 - a) As used in this rule, the term "extended school year services" means special education and related services that:
 - i) Are provided to a child with a disability:

- ii) Beyond the normal school year of the school district;
- iii) In accordance with the child's IEP; and
- iv) At no cost to the parents of the child; and
- v) Meet the standards of the Ohio department of education.

ODLS Best Practices

1. The determination of ESY eligibility must be based on empirical and qualitative data collected by the IEP committee for individual skills. The IEP committee must take into account not only retrospective data, but also, predictive data on recoupment abilities (will the recoupment take 9 weeks or more?).
2. The key question before the IEP committee is whether the child needs services in the summer in order to secure the minimum benefits of a free and appropriate public education in the fall.
3. Also, please note that it is important to remember that ESY services are not provided to enhance a student's education or to provide a student with the best possible education program.
4. Nor are ESY services to be provided as "compensatory time" to help a student who has missed some school to "catch up".
5. ESY services are required when determined to be necessary for a child to not have significant loss over the summer period.
6. An "appropriate" program, rather than the "best" possible program, must be made available.
7. There are six factors that the IEP team should consider in deciding if the child is eligible for ESY as a related service:
 - a) Progression and recoupment - is the child likely to lose critical skills or fail to recover these skills within a reasonable time;
 - b) Degree of progress toward IEP goals and objectives;
 - c) Emerging skills/breakthrough opportunities - will a lengthy summer break cause significant problems for a child who is learning a key skill, like reading;
 - d) Interfering Behavior - does the child's behavior interfere with his or her ability to benefit from special education;
 - e) Nature and/or severity of disability;
 - f) Special circumstances that interfere with the child's ability to benefit from special education.

Exit from Special Education/Parent Revocation

Federal Guidelines

1. If, at any time subsequent to the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the public agency—
 - a) May not continue to provide special education and related services to the child, but must provide prior written notice in accordance with Sec.300.503 before ceasing the provision of special education and related services;

- b) May not use the procedures in subpart E of this part (including the mediation procedures under Sec.300.506 or the due process procedures under Sec.300.507 through 300.516) in order to obtain agreement or a ruling that the services may be provided to the child;
- c) Will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further special education and related services; and
- d) Is not required to convene an IEP Team meeting or develop an IEP under Sec. 300.320 and 300.324 for the child for further provision of special education and related services.

Ohio Guidelines

- a) Shall not continue to provide special education and related services to the child, but shall provide prior written notice in accordance with paragraph (H) of this rule before ceasing the provision of special education and related services;
- b) Shall not use the procedures in Subpart E of Part B of the IDEA, including the mediation procedures or the due process procedures described in this rule, in order to obtain agreement or a ruling that the services shall be provided to the child;
- c) Shall not be considered to be in violation of the requirement to make FAPE available to the child for the failure to provide the child with further special education and related services; and
- d) Shall not be required to convene an individualized education program (IEP) team meeting or develop an IEP pursuant to rule 3301-51-07 of the Administrative Code for the child for further provision of special education and related services.

ODLS Best Practices

1. ODLS must reevaluate a child with a disability before determining that the child is no longer a child with a disability who requires special education services. At this meeting, the team must agree that the student no longer qualifies for any of the disability categories.
2. Additionally, reevaluation is not needed when the student:
 - a) graduates with a regular diploma, or
 - b) exceeds the age of eligibility for FAPE (by the end of their 21st birthday).
The student may complete the school year currently enrolled.
3. ODLS must, however, provide the student with a summary of academic and functional performance that includes recommendations for meeting postsecondary goals when the student is graduating with a regular diploma or aging out of school.
 - a) Best practice would also include providing the summary of performance for the student who receives a special education diploma or other exit document.
4. If a parent/legal guardian requests that their child be taken out of special education services, the IEP team must conduct an IEP meeting.

- a) The parents should be fully informed of the consequences of exiting special education, to include the removal of related services, academic support, excusal of state assessments, and accommodations.
- 5. Section 14 must be signed by the legal guardian under change of placement indicating that they are revoking consent.
 - a) The appropriate box will be checked indication this request to revoke services.

Signature Collection

ODLS Best Practices

- a) IEP meetings take place in a virtual setting. All efforts are made to obtain parent and student participation via virtual setting (zoom, teams, or other LMS platform) but there are instances where a IEP Team Meeting will need to be held via phone in order to obtain family participation.
- b) The IEP meeting is guided by viewing IEP Anywhere directly.
- c) At the end of the meeting the finalized IEP documents are shown on the facilitator's computer screen
 - i) The parent is given permission to sign the document using the drawing tool embedded in the software to sign the document or through the sharing feature in SameGoal. Once the parent signs the document, permission is then granted to each of the remaining

meeting participants to sign as appropriate.

- d) The final document with signatures is sent to the parent using TotalView and marked as a note.
- e) If the parent/student are not in attendance:
 - i) The intervention specialist will share the document via SameGoal.
 - ii) They will also send an email via TV to request that they review the document and sign.
 - iii) If the parent has not done this within 5 days the document will be finalized.
 - (1) The Intervention Specialist will then email the finalized copy to the parent through TV.

Related Services

Federal Guidelines §300.34 Related services.

1. General

- a) Related services means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes
 - i) speech- language pathology and
 - ii) audiology service
 - iii) interpreting services
 - iv) psychological services
 - v) physical and occupational therapy
 - vi) Recreation
 - (1) including therapeutic recreation
 - vii) early identification and assessment of disabilities in children,
 - viii) counseling services,
 - (1) including rehabilitation counseling,
 - ix) orientation and mobility services,
 - x) medical services for diagnostic or evaluation purposes.
 - xi) school health services
 - xii) school nurse services
 - xiii) social work services in schools
 - xiv) parent counseling and training

2. Exception;

- a) services that apply to children with surgically implanted devices, including cochlear implants.
- b) Related services do not include a medical device that is surgically implanted, the optimization of that device's functioning (e.g., mapping), maintenance of that device, or the replacement of that device.

3. Nothing in paragraph (b)(1) of this section—

- a) Limits the right of a child with a surgically implanted device (e.g., cochlear implant) to receive related services (as listed in paragraph (a) of this section) that are determined by the IEP Team to be necessary for the child to receive FAPE.
- b) Limits the responsibility of a public agency to appropriately monitor and maintain medical devices that are needed to maintain the health and safety of the child, including breathing, nutrition, or operation of other bodily functions, while the child is transported to and from school or is at school; or
- c) Prevents the routine checking of an external component of a surgically implanted device to make sure it is functioning properly, as required in §300.113(b).

Ohio Guidelines

1. General:

- a) “Related services” means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes
 - i) speech- language pathology and
 - ii) audiology services
 - iii) interpreting services
 - iv) psychological services
 - v) physical and occupational therapy
 - vi) recreation
 - (1) including therapeutic recreation
 - vii) early identification and assessment of disabilities in children,
 - viii) counseling services,
 - (1) including rehabilitation counseling,
 - ix) orientation and mobility services,
 - x) medical services for diagnostic or evaluation purposes.
 - xi) school health services
 - xii) school nurse services
 - xiii) social work services in schools
 - xiv) parent counseling and training

2. Exception;

- a) services that apply to children with surgically implanted devices, including cochlear implants.
- b) Related services do not include a medical device that is surgically implanted, the optimization of that device’s functioning (e.g., mapping), maintenance of that device, or the replacement of that device.

3. Nothing in paragraph (B)(54)(a)(i) of this rule:

- a) Limits the right of a child with a surgically implanted device (e.g., cochlear implant) to receive related services (as listed in this rule) that are determined by the IEP team to be necessary for the child to receive FAPE.
 - i) Limits the responsibility of a school district to appropriately monitor and maintain medical devices that are needed to maintain the health and safety of the child, including breathing, nutrition, or operation of other bodily functions, while the child is transported to and from school or is at school; or
- b) Prevents the routine checking of an external component of a surgically implanted device to make sure it is functioning properly, as required in rule 3301-51-02 of the Administrative Code.

ODLS Best Practices

Due to the virtual nature of ODLS, in most cases, the provision of related services will need to be contracted. Therefore, in order to make arrangements for an evaluation to qualify for related services, or for the provision of services to be available at the beginning of the IEP period, it is critical the Related Services department be informed.

The following steps will be implemented so that the provision of related services is complaint and timely:

1. ODLS provides related services to all eligible students according to what is prescribed by the Individual Education Plan.
 - a) Contracts are secured with private clinics, therapists, hospitals and local districts throughout the state to provide therapy for ODLS students.
 - b) ODLS is responsible for providing related services and will attempt to secure services within a reasonable distance from the student's residence.
2. Once a student has been identified as needing related services as outlined on their IEP, it is the responsibility of the assigned special education teacher to notify the school's Related Service Manager, so that a service provider can be assigned to the student.
 - a) Once a therapist is identified, the therapist contacts the family to set up the therapy schedule.
 - b) It is the contracted provider's responsibility to provide all required documentation of services within given timelines and to notify ODLS of any absences from therapy and/or any concerns that they may have regarding the student.
 - c) It is the parent's responsibility to ensure their student attends therapy sessions and to notify ODLS of any concerns with the contract provider or any changes that may prohibit the student from attending therapy.
3. If a student has consistent truancy, the IEP team will meet to determine if services are still deemed necessary.
 - a) The parent has the right to decline services for their student at any time.

4. Compensatory Services

- a) When a student has not been provided therapy services that are deemed appropriate on the student's IEP due to the school's failure to locate a therapist, that student is owed compensatory services.
- b) These services can be delivered within a normal school week in conjunction with current services or during school breaks when normal services would not be provided.
- c) The determination as to the appropriate method of delivering compensatory services should be done in consultation with the therapist as some students will not benefit from additional services within small time frames.
- d) A plan for the delivery of compensatory services will be developed by the IEP team within 2 weeks of a therapy provider being identified.
- e) Compensatory services will not be provided when the parent has declined a provider who is within a reasonable distance (60-minute drive or less) from the student's home address.
- f) Compensatory services are calculated using the start date of the services on the IEP and the first day that therapy has been provided.
- g) Compensatory services will not be provided for sessions that are missed due to student or parent illness, transportation issues, or general truancy.
- h) The compensatory plan will be based upon the statement of assurance provided to the parent at previous IEP meeting.
- i) The IEP team will meet to determine appropriate therapy frequency and duration and then Ohio within the IEP the time frame that services will be delivered and how they will be delivered.

Transportation

Federal Guidelines- Transportation

1. General.

- a) If necessary, for the child to benefit from or participate in the services provided under this part, a parentally placed private school child with a disability must be provided transportation:
 - b) From the child's school or the child's home to a site other than the private school; and
 - c) From the service site to the private school, or to the child's home, depending on the timing of the services.
- 2. LEAs are not required to provide transportation from the child's home to the private school.
- 3. Cost of transportation.
- 4. The cost of the transportation described in paragraph (b)(1)(i) of this section may be included in calculating whether the LEA has met the requirement of § [300.133](#).

Ohio Guidelines

- 1. Definitions.
 - a) The term disabilities includes the following:
 - i) autism,
 - ii) deaf-blindness,
 - iii) deafness, hearing impairment
 - iv) cognitive disability
 - v) multiple disabilities
 - vi) orthopedic impairment
 - vii) other health impairment
 - viii) serious emotional disturbance
 - ix) specific learning disability
 - x) speech or language impairment
 - xi) traumatic brain injury
 - xii) visual impairment including blindness
 - xiii) any other conditions as identified in division (A) of section 3323.01 of the Revised Code.
 - b) Special transportation means vehicle transportation service required by the individualized education program or any applicable state or federal law.
 - c) Transportation means travel to and from school, between schools, and in and around school buildings, and may include the following:
 - d) Travel to and from school, between schools, and in and around school buildings during normal school hours and outside of normal school hours if included on the individual education program.
 - e) Specialized equipment, such as special or adapted vehicles, lifts, and ramps, if required to provide special transportation for a child with disabilities.
 - f) Fitting and/or retrofitting vehicles with specialized equipment, such as car seats, securement systems, and harnesses.

- g) Employment of aides for particular special education vehicles if deemed necessary by the school district.
- h) Alternative pick-up and drop-off locations, such as the curb, driveway, or front door of the child's home, if determined to be appropriate based upon the individual needs of the child.
- i) Other travel that may be arranged by the school district with no reimbursement from the state.
- j) School district means city, local, exempted village, educational service center, community school, STEM school, boarding school, or county board of developmental disabilities, for purposes of this rule.
- k) Children with disabilities in this rule refers to those aged three through twenty-one.
- l) Weekend travel on Saturday or Sunday for residential schools is permitted.
- m) Department means the Ohio department of education.
- n) State residential schools.
- o) This paragraph refers to the Ohio state school for the blind and the Ohio state school for the deaf.
- p) Reimbursement for transportation to and from the school district of residence shall be approved by the department for eligible children with disabilities placed in the Ohio state school for the blind and the Ohio state school for the deaf.
- q) Reimbursement claims for weekend travel and/or daily travel shall be approved by the department for eligible children with disabilities placed in the Ohio state school for the blind and the Ohio state school for the deaf.

2. Eligibility.

- a) Reimbursement for special education transportation may be approved by the department's office of pupil transportation for children with disabilities attending a special education program approved by the department's office for exceptional children, and/or attending a regular class in a public school.
- b) School district transportation personnel shall be consulted in the preparation of the individualized education program when transportation is required as a related service and when the child's needs are such that information to ensure the safe transportation and well-being of the child is necessary to provide such transportation.
- c) When required by the individualized education program, transportation will be provided based upon the unique needs of an individual child.
- d) A community school governing board shall provide or arrange transportation free of any charge for any disabled student enrolled in the school for whom the student's individualized education program specifies transportation.
- e) For transportation purposes, a child with disabilities attending a nonpublic school, placed by parent, guardian, or others, shall be entitled to transportation the same as any child without disabilities attending a nonpublic school in accordance with section 3327.01 of the Revised Code.

3. General requirements

- a) Each school district shall establish its own reasonable travel time. Travel time is defined as beginning at the initial pickup of the child and ending with the final arrival at the school destination.
- b) The school district shall develop its travel time standard, approved by the individual board of education, and shall consider the following factors: age of child, condition of disability, geographic size of school district, location of special education class, traffic patterns, and roadway conditions.

ODLS Best Practices

1. If transportation is required in order for a student to receive services as outlined on their IEP, ODLS will work with the family to ensure that appropriate transportation is provided.
2. Transportation arrangements will vary depending on the service location and transportation options in that area of the Ohio.
3. Arrangements may include bus tokens, taxi credits, contracts with local transportation providers, or reimbursement to the parent directly based on the federal mileage rate.
4. Reimbursement for mileage will be approved by the Special Education Manager or designee.
5. Proper documentation must be submitted in order for reimbursement to be made.

Assistive Technology

ODLS Best Practices

1. Assistive technology (AT) is a component of the educational programs of students with disabilities.
2. Assistive Technology Devices are any items, equipment, products, or system, whether acquired commercially, teacher-made, modified, or customized, that are used to

increase, maintain, or improve the functional capabilities of children with disabilities. The following are some examples of assistive technology that may be available to students with disabilities;

- a) adapted toys
 - b) switches
 - c) computers,
 - d) amplification systems,
 - e) wheelchairs,
 - f) memory aids,
 - g) magnifiers,
 - h) augmentative communication devices.
3. Assistive Technology Services are services needed to support effective use of AT devices. AT services may include:
- a) training or technical assistance for the child and/or the child's family, and
 - b) training or technical assistance for professionals, employers, or other individuals who are substantially involved in the major life functions of an individual with a disability

ODLS will provide assistive technology and or adapted materials as needed to provide each child FAPE.

Accessible Instructional Materials

ODLS Best Practices

1. ODLS will provide print instructional materials in an accessible format to students who are blind or other print disabled.

- a) These materials must be provided in a timely manner, usually about the same time as the traditional materials are received by other students, unless unusual circumstances exist.
 - i) Accessible formats include
 - ii) braille
 - iii) audio
 - iv) digital text
 - (1) but do not include the altering of the content.

It is the special education teacher's responsibility to notify the Academic Administrator-Special Programs Administrator or designee of any special instructional materials needed by students on their caseload as soon as possible in order to allow sufficient time for such materials to be delivered to the student.

Manifestation Determination

Federal Guidelines

1. Manifestation determination.

- a) Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the LEA, the parent, and relevant members of the child's IEP Team (as determined by the parent and the LEA) must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine:
 - i) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
 - ii) If the conduct in question was the direct result of the LEA's failure to implement the IEP.
 - b) The conduct must be determined to be a manifestation of the child's disability if the LEA, the parent, and relevant members of the child's IEP Team determine that a condition in either paragraph (e)(1)(i) or (1)(ii) of this section was met.
 - c) If the LEA, the parent, and relevant members of the child's IEP Team determine the condition described in paragraph (e)(1)(ii) of this section was met, the LEA must take immediate steps to remedy those deficiencies.
2. Determination that behavior was a manifestation.
- a) If the LEA, the parent, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the child's disability, the IEP Team must:
 - i) Either:
 - (1) Conduct a functional behavioral assessment, unless the LEA had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; or
 - (2) If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior; and
 - (3) Except as provided in paragraph (g) of this section, return the child to the placement from which the child was removed, unless the parent and the LEA agree to a change of placement as part of the modification of the behavioral intervention plan.
3. Special circumstances.
- a) School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the child:
 - b) Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of a SEA or an LEA;
 - c) Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a SEA or an LEA; or

- d) Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a SEA or an LEA.
- 4. Notification.
 - a) On the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of student conduct, the LEA must notify the parents of that decision, and provide the parents the procedural safeguards notice described in §300.504.
- 5. Definitions.
 - a) For purposes of this section, the following definitions apply:
 - b) Controlled substance means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).
 - c) Illegal drug means a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.
 - d) Serious bodily injury has the meaning given the term “serious bodily injury” under paragraph (3) of subsection (h) of section 1365 of title 18, United Ohio’s Code.
 - e) Weapon has the meaning given the term “dangerous weapon” under paragraph (2) of the first subsection (g) of section 930 of title 18, United Ohio’s Code. (Authority: 20 U.S.C. 1415(k)(1) and (7))

Ohio Guidelines

- 1. Manifestation determination
 - a) Within ten school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the school district, the parent, and relevant members of the child’s IEP team (as determined by the parent and the school district) must review all relevant information in the child’s file, including the child’s IEP, any teacher observations, and any relevant information provided by the parents to determine:
 - i) If the conduct in question was caused by, or had a direct and substantial relationship to, the child’s disability; or
 - ii) If the conduct in question was the direct result of the school district’s failure to implement the IEP.
 - b) The conduct must be determined to be a manifestation of the child’s disability if the school district, the parent, and relevant members of the child’s IEP team determine that a condition in either paragraph (K)(20)(e)(i)(a) or (K)(20)(e)(i)(b) of this rule was met.

- c) If the school district, the parent, and relevant members of the child's IEP team determine the condition described in paragraph (K)(20)(e)(i)(b) of this rule was met, the school district must take immediate steps to remedy those deficiencies.
- 2. Determination that behavior was a manifestation
 - a) If the school district, the parent, and relevant members of the IEP team make the determination that the conduct was a manifestation of the child's disability, the IEP team must:
 - i) Either:
 - (1) Conduct a functional behavioral assessment, unless the school district had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; or
 - (2) If a behavioral intervention plan already has been developed, review the behavioral intervention plan and the implementation of the plan, and modify it, as necessary, to address the behavior; and
 - (3) Except as provided in paragraph (K)(20)(g) of this rule, return the child to the placement from which the child was removed, unless the parent and the school district agree to a change of placement as part of the modification of the behavioral intervention plan.
- 3. Special circumstances
 - a) School personnel may remove a child to an interim alternative educational setting for not more than forty-five school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the child:
 - b) Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of the Ohio department of education or a school district;
 - c) Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of the Ohio department of education or a school district; or
 - d) Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the Ohio department of education or a school district.
- 4. Notification
 - a) On the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a

code of student conduct, the school district must notify the parents of that decision and provide the parents the procedural safeguards notice described in paragraph (I) of this rule.

5. The following terms are defined as they are used in this rule:

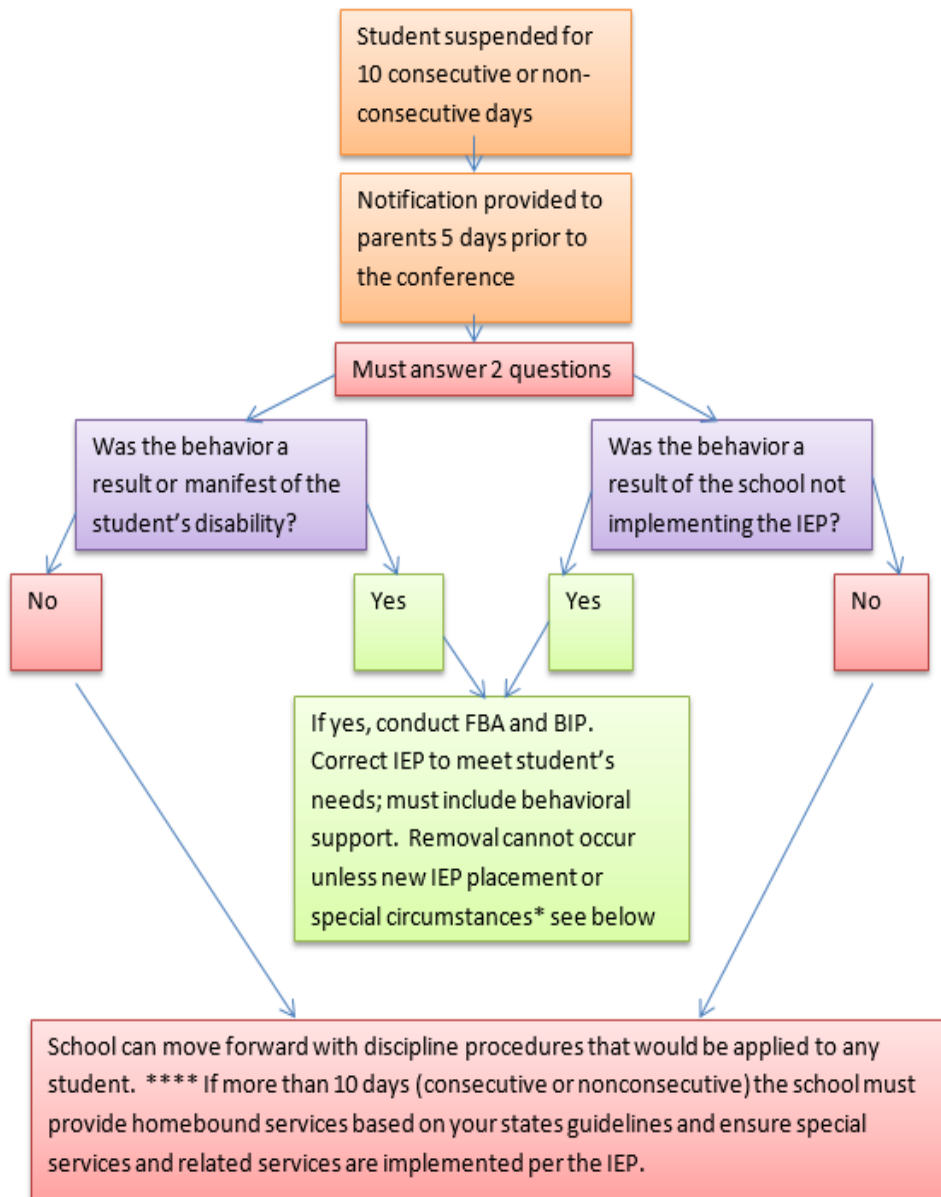
- a) “Controlled substance” means a drug or other substance identified under schedules I, II, III, IV, or V in Section 202(c) of the Controlled Substances Act as amended and specified in the Anabolic Steroids Control Act of 1990, November 1990, 21 U.S.C. 812(c).
- b) “Illegal drug” means a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that act or under any other provision of federal law.
- c) “Serious bodily injury” has the meaning given the term “serious bodily injury” under paragraph (3) of subsection (h) of section 1365 of Title 18, United States Code.
- d) “Weapon” has the meaning given the term “dangerous weapon” under paragraph (2) of the first subsection (g) of section 930 of Title 18, United States Code.
- e)

ODLS Best Practices

The following steps will be taken when holding a meeting.

1. The MDR Staff member will send an Invitation for Manifestation Determination Review (PR-02) to the parent or student of age via email, and/or phone call (voice message left if call is unanswered).
2. All contacts will be noted in TVS notes under the student’s profile.
3. The MDR Staff member will send a calendar invite to
 - a. Appropriate Staff Members
 - b. Attendance Officer
 - c. Director of Student Services
 - d. ODLS Special Program’s Calendar
4. The MDR Staff member will hold Manifestation Determination Meeting
 - a. For a Disciplinary action - Amend IEP or adapt IEP – If behavior is a Manifestation of the student’s disability
 - b. For Attendance only - Proceed with disciplinary process if behavior is NOT a manifestation of the student’s disability in accordance with H.B. 410
 - c. Email PR-03 & PR-01 to the parent / student of age via TVS & mark as note.

Manifestation Determination Flowchart



Dispute Resolution

Federal Guidelines- §300.152 Minimum Ohio complaint procedures.

1. Time limit; minimum procedures.
 - a) Each SEA must include in its complaint procedures a time limit of 60 days after a complaint is filed under §300.153 to—
 - i) Carry out an independent on-site investigation, if the SEA determines that an investigation is necessary;
 - ii) Give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint;
 - iii) Provide the public agency with the opportunity to respond to the complaint, including, at a minimum:
 - b) At the discretion of the public agency,
 - i) a proposal to resolve the complaint; and an opportunity for a parent who has filed a complaint and the public agency to voluntarily engage in mediation consistent with §300.506;
 - ii) Review all relevant information and make an independent determination as to whether the public agency is violating a requirement of Part B of the Act or of this part; and
 - iii) Issue a written decision to the complainant that addresses each allegation in the complaint and contains:
 - iv) Findings of fact and conclusions; and
 - v) The reasons for the SEA's final decision.
2. Time extension; final decision; implementation.
 - a) The SEA's procedures described in paragraph (a) of this section also must:
 - i) Permit an extension of the time limit under paragraph (a) of this section only if:
 - ii) Exceptional circumstances exist with respect to a particular complaint; or
 - iii) The parent (or individual or organization, if mediation or other alternative means of dispute resolution is available to the individual or organization under Ohio procedures) and
 - iv) the public agency involved agree to extend the time to engage in mediation pursuant to paragraph (a)(3)(ii) of this section, or to engage in other alternative means of dispute resolution, if available in the Ohio; and
 - v) Include procedures for effective implementation of the SEA's final decision, if needed, including—
 - (1) Technical assistance activities;
 - (2) Negotiations; and
 - (3) Corrective actions to achieve compliance.
3. Complaints filed under this section and due process hearings under §300.507 and §§300.530 through 300.532.

4. If a written complaint is received that is also the subject of a due process hearing under §300.507 or §§300.530 through 300.532, or contains multiple issues of which one or more are part of that hearing, the Ohio must set aside any part of the complaint that is being addressed in the due process hearing until the conclusion of the hearing.
 - a) However, any issue in the complaint that is not a part of the due process action must be resolved using the time limit and procedures described in paragraphs (a) and (b) of this section.
5. If an issue raised in a complaint filed under this section has previously been decided in a due process hearing involving the same parties:
 - a) The due process hearing decision is binding on that issue; and
 - b) The SEA must inform the complainant to that effect.
 - c) A complaint alleging a public agency's failure to implement a due process hearing decision must be resolved by the SEA.
6. §300.153 Filing a complaint.
 - a) An organization or individual may file a signed written complaint under the procedures described in §§300.151 through 300.152.
 - b) The complaint must include—
 - i) A statement that a public agency has violated a requirement of Part B of the Act or of this part;
 - ii) The facts on which the statement is based;
 - iii) The signature and contact information for the complainant; and
 - iv) If alleging violations with respect to a specific child—
 - v) The name and address of the residence of the child;
 - vi) The name of the school the child is attending;
7. In the case of a homeless child or youth (within the meaning of section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), available contact information for the child, and the name of the school the child is attending;
 - a) A description of the nature of the problem of the child, including facts relating to the problem; and
 - b) A proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed.
8. The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received in accordance with §300.151.
9. The party filing the complaint must forward a copy of the complaint to the LEA or public agency serving the child at the same time the party files the complaint with the SEA. (Approved by the Office of Management and Budget under control numbers 1820–0030 and 1820–0600) (Authority: 20 U.S.C. 1221e–3)

Ohio Guidelines- Adoption of state complaint procedures

1. General
 - a) The Ohio department of education shall adopt written procedures for:
 - i) Resolving any complaint, including a complaint filed by an organization or individual from another state, that meets the requirements of paragraph (K)(6) of this rule by:
 - (1) Providing for the filing of a complaint with the Ohio department of education; and
 - (2) At the Ohio department of education's discretion, providing for the filing of a complaint with a school district of residence and the right to have the Ohio department of education review the school district of residence's decision on the complaint; and
 - (3) Widely disseminating to parents and other interested individuals, including parent training and information centers, protection and advocacy agencies, independent living centers, and other appropriate entities, the state procedures under paragraphs (K)(4) to (K)(6) of this rule.
2. Remedies for denial of appropriate services
 - a) In resolving a complaint in which the Ohio department of education has found a failure to provide appropriate services, the Ohio department of education, pursuant to its general supervisory authority under Part B of the IDEA, must address:
 - i) The failure to provide appropriate services, including corrective action appropriate to address the needs of the child (such as compensatory services or monetary reimbursement); and
 - ii) Appropriate future provision of services for all children with disabilities
3. Minimum state complaint procedures
 - a) Time limit; minimum procedures
4. The Ohio department of education shall include in its complaint procedures a time limit of sixty days after a complaint is filed under paragraph (K)(6) of this rule to:
 - a) Carry out an independent on-site investigation, if the Ohio department of education determines that an investigation is necessary;
 - b) Give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint;
 - c) Provide the school district of residence with the opportunity to respond to the complaint, including, at a minimum:
 - i) At the discretion of the school district of residence, a proposal to resolve the complaint; and
 - ii) An opportunity for a parent who has filed a complaint and the school district of residence to voluntarily engage in mediation consistent with paragraph (K)(3) of this rule;
 - iii) Review all relevant information and make an independent determination as to whether the school district is violating a requirement of Part B of the IDEA or of this rule; and

- iv) Issue a written decision to the complainant that addresses each allegation in the complaint and contains:
 - (1) Findings of fact and conclusions; and
 - (2) The reasons for the Ohio department of education's final decision.
 - 5. Filing a complaint
 - a) An organization or individual may file a signed written complaint under the procedures described in paragraphs (K)(4) to (K)(5) of this rule.
 - b) The complaint must include:
 - i) A statement that a school district of residence has violated
 - ii) The facts on which the statement is based;
 - iii) The signature and contact information for the complainant; and
 - iv) If alleging violations with respect to a specific child:
 - (1) The name and address of the residence of the child;
 - (2) The name of the school the child is attending;
 - 6. In the case of a homeless child or youth (within the meaning of Section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2), as amended and specified in Title X, Part C, of the No Child Left Behind Act of 2001, January 2002, 42 U.S.C. 11431), available contact information for the child, and the name of the school the child is attending;
 - a) A description of the nature of the problem of the child, including facts relating to the problem; and
 - b) A proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed.
 - 7. The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received in accordance with paragraph (K)(4) of this rule.
 - 8. The party filing the complaint must forward a copy of the complaint to the school district of residence at the same time the party files the complaint with the Ohio department of education.
 - 9.
- ODLS Best Practices
- 1. Disputes that are resolved at the school level may preserve and even strengthen the relationship between the school and the parent.
 - 2. While the parent always has the right to request Mediation or a Due Process Hearing and should always be informed of this right, many times issues can be resolved at a less intense level as system personnel and parents seek mutual understanding and agreement.
 - 3. The following four (4) step process may be used to resolve problems before they grow to the level requiring Mediation or a Due Process Hearing:
 - a) Contact the assigned Special Education Teacher via email and/or by phone.
 - b) Hold an IEP team meeting to discuss concerns of the IEP team members.

- c) Contact the Special Education Manager via email and/or by phone.
- d) If issue is unresolved, contact the ODLs Head of School via email and/or by phone.

Stay Put

Federal Guidelines

1. During the pendency of any administrative or judicial proceeding, including mediation (if the school district or other public entity voluntarily agrees to participate in mediation), unless the school district and the parents or student (if at least 18 years of age or emancipated) otherwise agree, the student shall remain in his or her present educational placement and continue in his or her present eligibility status and special education and related services, if any.
2. If mediation fails to resolve the dispute between the parties, the parent (or student if 18 years of age or older or emancipated) shall have 10 days after the mediation concludes to file a request for a due process hearing in order to continue to invoke the “stay-put” provisions of this subsection (j).
3. The costs for any special education and related services or placement incurred following 60 school days after the initial request for evaluation shall be borne by the school district if the services or placement is in accordance with the final determination as to the special education and related services or placement that must be provided to the child, provided that during that 60-day period there have been no delays caused by the child's parent.

Ohio Guidelines

1. Your child must remain or stay put in the current educational placement while a due process complaint is in progress, unless you and the school district agree that your child's educational placement can change.
2. Your child's current educational placement is the one described in his or her most recently implemented IEP.
3. If your child has been placed in an interim alternative educational setting (IAES – a temporary learning setting outside of the school) because of discipline by the school district, your child stays in that educational setting until the hearing officer makes a decision or until the district's discipline of your child ends, whichever happens first;
 - a) If the due process complaint involves admission to the district, your child, with your permission, must be placed in the district until due process is completed.
 - b) If the due process complaint involves the application to begin services under the school age part of the law because your child has turned 3 years old and is no longer eligible for services under the early intervention part of the law, the school district is not required to provide the early interventional services that your child has not been receiving.
4. If your child is found eligible for special education services and the parent consents to the initial provision of services, then the school district must provide those services that are not in dispute between the parent and the district.
5. If the review officer agrees with your child's parents that a change of placement is appropriate, the placement must be treated as an agreement between the state and the parents for purposes of stay put.

ODLS Best Practices

ODLS will follow guidelines regarding Stay Put.

When to Provide Prior Written Notice, Informed Consent and Procedural Safeguards Notice

(Whose IDEA Is This?)

Steps in the Special Education Process	Action Required		
	Notification or Informed Consent	Prior Written Notice to Parents PR-01	Whose IDEA Is This?
1. Procedural safeguards must be provided to the parents once a year			X
2. Procedural safeguards must be provided upon request of the parents			X
3. Initial referral for a suspected disability		X	X
4. Initial evaluation	Informed consent (Parent Consent for Evaluation PR-04 form)	X	
5. Eligibility determination		X	
6. IEP meeting	Notification (Parent Invitation to Meeting PR-02 form)	Provide after an IEP, if parents do not agree or do not attend the meeting	
7. Reevaluation with assessments conducted	ormed consent (Parent Consent for Evaluation PR-04 form)	Provide before, and after if	

		parents do not agree or disability category changes	
8. Reevaluation without further assessments conducted	Notification	May use this form to notify before, and provide after, if parents do not agree or disability category changes	
9. No reevaluation conducted		X	
10. Transfers from out of state and out of district	Informed consent (Parent Consent for Evaluation PR-04 form) (If an evaluation is to be conducted)	Provide only after an IEP, if parents do not agree	If moved from out of state
11. Change of placement	Informed consent (IEP PR-07 form)	Provide only after an IEP, if parents do not agree	
12. Change in the type and amount of services		Provide only after an IEP, if parents do not agree	
13. Exit from special education	Notification (Summary of performance if graduating or aging out of special education)	X	
14. District refuses services requested by parents		X	
15. District proposes/refuses to		X	

change disability category			
16. Releasing personally identifiable information	Informed consent (written consent)		
17. Destruction of personally identifiable information	Notification prior to destruction		
18. Transfer of parental rights	Statement included in IEP PR-07 form		X
19. Upon receipt of the first due process complaint or upon receipt of first state complaint in school year			X
20. Disciplinary change in placement		X	X
21. Revocation of consent		X	

Prior Written Notice, Informed Consent and Procedural Safeguards Notice (*Whose IDEA Is This?*)

- Procedural safeguards must be provided to the parents once a year.
The school district must give a copy of the procedural safeguards notice (*Whose IDEA Is This?*) to the parents at least once a year, except as noted below:
 - Upon initial referral or the parents request for evaluation;
 - Upon request by the parents;
 - Upon receipt of the first due process complaint or state complaint in a school year; and
 - Upon a change in placement for disciplinary action.
- Procedural safeguards must be provided upon request of the parents.
The school district must give a copy of the procedural safeguards notice (*Whose IDEA Is This?*) to the parents whenever the parents request.
- Initial referral for a suspected disability
On the date of the referral, the district must provide the parents with a copy of the procedural safeguards notice (*Whose IDEA Is This?*). For a parental referral, the date of referral is the date that the district received either the verbal or written request from the parents to conduct an evaluation. For a district referral, the date of referral is the date that the screening or review team decided an evaluation should be conducted.
See [Evaluation – 6.2 Request and Referral for Initial Evaluation](#).

Within 30 days of the date of initial referral by the parents for a suspected disability, the district must provide the Prior Written Notice to Parents PR-01 form to the parents if the district does not suspect a disability.

4. Initial evaluation

Within 30 days of the date of initial referral by the parents for a suspected disability, the district must provide the Prior Written Notice PR-01 form to the parents and receive written, informed consent (Parent Consent for Evaluation PR-04 form) from the parents prior to conducting any assessments as part of an initial evaluation. A description of any evaluation procedures the district proposes to conduct must also be provided to the parents. (If the notice relates to an action proposed by the district that also requires parental consent, the district may give notice at the same time it requires parental consent.)

5. Eligibility determination

If the evaluation team determines that a child is not eligible for special education and related services the district will provide the parents the Prior Written Notice to Parents PR-01 form once this determination is made. If the evaluation team determines that a child is eligible for special education and related services, see Item number 6, IEP Meeting.

6. IEP Meeting

The district must use the required Parent Invitation PR-02 form to notify and invite the parents to an IEP meeting. Districts must take steps to ensure that one or both parents are present at each IEP meeting or are afforded the opportunity to participate. This requires that the district:

- Notify the parents of the IEP meeting early enough to ensure that they have an opportunity to attend; and
- Schedule the meeting at a mutually agreed upon time and place.

A district must provide the Prior Written Notice to Parents PR-01 form after an IEP meeting, if the parents do not agree with the IEP or any portion of the IEP or do not attend the meeting.

A district must provide prior written notice to the parents and receive written, informed consent from the parents before the initial placement of a child in special education. The IEP PR-07 form serves as prior written notice unless the parents disagree with the IEP. Written informed consent to initiate special education and related services is provided through the parents' signature on the IEP form.

7. Reevaluation with assessments conducted

A district must provide the Prior Written Notice to Parents PR-01 form and obtain informed parental consent (Parent Consent for Evaluation PR-05 form) before conducting any tests or assessments as part of a reevaluation of a child with disabilities,

unless the district has provided notice and the parents have failed to respond to reasonable attempts to obtain consent.

The district must provide the Prior Written Notice to Parents PR-01 form after the reevaluation is completed, if the parents disagree with the reevaluation or the reevaluation results in a change in the child's disability category.

8. Reevaluation without further assessments conducted

If the evaluation team determines that no additional data are needed to determine that the child continues to be a child with a disability and to determine the child's educational needs, the evaluation team must notify the child's parents. The notification that no further assessments are necessary must include:

- The team's determination and the reasons for the determination; and
- The parents' right to request an assessment to determine whether the child continues to be a child with a disability and to determine the child's educational needs.

The Prior Written Notice to Parents PR-01 form may be used for this notification as long as it includes the information listed directly above.

The district must provide the Prior Written Notice to Parents PR-01 form after the reevaluation is completed, if the parents disagree with the reevaluation or the reevaluation results in a change in the child's disability category.

9. No reevaluation conducted

If the IEP team, including the parents, agrees that a reevaluation of a child is unnecessary, the district must provide the Prior Written Notice to Parents PR-01 form.

10. Transfers from out of state and out of district

Upon the enrollment of a child with an existing IEP from another district or state, the district must convene the IEP team and determine if the team will accept the existing IEP or change the existing IEP. If the parents disagree with the IEP team on the IEP that will be implemented by the district, the Prior Written Notice to Parents PR-01 form must be provided to the parents. See [IEP – 7.1 General](#).

Transfers from out of state

If the child moved into the district from another state, the district must provide the parents with a copy of the procedural safeguards notice (*Whose IDEA Is This?*).

If the district determines that a new evaluation is necessary for a child who transfers from out of state, the evaluation is considered an initial evaluation and the district must provide the Prior Written Notice to Parents PR-01 form and obtain written parental consent (Parent Consent for Evaluation PR-05 form). See [Evaluation – 6.2 Request and Referral for Initial Evaluation](#).

Transfers from out of district

If the child transfers into the district from another district in the state, the district provides the parents with a copy of the procedural safeguards notice (*Whose IDEA Is This?*) if the sending school district had not provided the parents with a copy during the current school year.

If the IEP team refers a child who transfers from another district in the state for additional evaluation, the evaluation is considered to be a reevaluation. The district must provide the Prior Written Notice to the Parents PR-01 form and obtain written parental consent

(Parent Consent for Evaluation PR-05 form). See [Evaluation – 6.5 Reevaluation](#).

11. Change of placement

The district must provide the Prior Written Notice to Parents PR-01 form after an IEP meeting, if the parents do not agree with the IEP team's proposed change of placement on the continuum of alternative placement options. The district may not change the child's placement until the parents consent to the proposed change of placement.

12. Change in the type and amount of services

The district must provide the Prior Written Notice to Parents PR-01 form after an IEP meeting, if the parents do not agree with the changes in the types and amount of services being proposed. The district may then proceed to implement the IEP.

13. Exit from special education

The district must provide the Prior Written Notice to Parents PR-01 form whenever a child exits special education. In addition, for a child whose eligibility for special education terminates because the child is graduating with a regular diploma or exceeding the age eligibility for special education, the school district must provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals.

14. District refuses services requested by parents

The district must provide the Prior Written Notice to Parents PR-01 form to the parents any time the district refuses the request of the parents to provide special education and related services to the child.

15. District proposes/refuses to change disability category

The district must provide the Prior Written Notice to Parents PR-01 form to the parents any time the district proposes or refuses to change the child's disability category. The ETR and the documentation of eligibility can be considered a prior written notice if all the elements required in a prior written notice are present in the ETR and determination of eligibility.

16. Releasing personally identifiable information
The district must obtain written parental consent prior to releasing any personally identifiable information about the child to any person or agency not entitled by law to see it, and to a representative of any participating agency that is likely to be responsible for providing or paying for transition services.
17. Destruction of personally identifiable information
The school district must inform the parents when personally identifiable information collected, maintained and used is no longer needed to provide educational services to the child. The information must be destroyed at the request of the parents. However, a permanent record of a child's name, address, telephone number, grades, attendance record, classes attended, grade level completed and year completed shall be maintained without time limitation. This notification may be in writing or provided verbally. If provided verbally, the school district should document this notification in the child's education record.
18. Transfer of parental rights
One year before the child's 18th birthday, the district must notify both the child and the parents of the parental rights, under Part B, that will transfer to the child upon reaching the age of majority. The district also must provide the child with a copy of the procedural safeguards notice (*Whose IDEA Is This?*). This notification is documented on the child's IEP PR-07 form.
19. Upon receipt of the first due process complaint or upon receipt of the first state complaint in the school year
The school district must give the parents a copy of the procedural safeguards notice (*Whose IDEAs This?*) upon receipt of the parents' first due process request. The Ohio Department of Education, Office for Exceptional Children gives the parents a copy of the procedural safeguards (*Whose IDEA Is This?*) upon the parents' filing of the first state complaint within the school year.
20. Disciplinary change in placement
Whenever a change of placement occurs due to disciplinary action, a copy of the procedural safeguards notice (*Whose IDEAs This?*) and Prior Written Notice PR- 01 form must be provided.

21. Revocation of consent (must be in writing)

The district must provide the Prior Written Notice to Parents PR-01 form if the parents of a child with a disability revoke consent in writing for the continued provision of all special education and related services. This notice must include:

- A summary of all of the supports and services the child will no longer receive, and any change in educational placement that will occur as a result of the revocation of consent.
- Statements that once the revocation takes effect, the district will not be considered to be in violation of its requirement to make FAPE available, is not required to convene an IEP meeting or develop an IEP, is not required to conduct a three year reevaluation, is not required to offer the child the discipline protections available under IDEA and is not required to amend the child's education records to remove any reference to the child's receipt of special education and related services.
- A statement that by revoking consent for special education and related services for the child, the parent is not waiving the right to request an initial evaluation or to receive services in the future.