

Summary of Changes to the Ohio Operating Standards for the Education of Children with Disabilities

Below is a brief overview of the significant changes that were made to the *Ohio Operating Standards for the Education of Children with Disabilities*. Please be advised that the purpose of this document is to highlight the major changes to the rules that govern the provision of special education and related services in Ohio and is not intended to be a complete list of all changes or revisions. For the complete rule text, please refer to the [Ohio Administrative Code](#) Rules 3301-51-01 through 3301-51-10, 3301-51-11, and 3301-51-21.

Overall changes to the document include:

- Items were added, removed, or amended for the following reasons: changes in federal law, changes in state law, word restriction, not having a relation to the rules, clarification, not applicable to the rules, or stakeholder feedback.

3301-51-01 Applicability of requirements and definitions

- Definitions were added, removed, or amended in the rule to align with federal law, state law, or because the definition was not related to the Operating Standards, was not applicable to the Operating Standards, or based on stakeholder feedback.
- The definition for “educational agency” was added to reflect and align with the term “public agency” as it used in the federal regulations. This definition will encompass all educational agencies in Ohio responsible for serving students with disabilities.
- The definition for “child with a disability” was revised to remove the term “mental retardation.” This term has been replaced by the term “intellectual disability” in the field. This change was made throughout the Operating Standards. Additionally, the definition was amended to reflect the legislative change to state law ([ORC 3323.01](#)) that expanded the age range for a child with disability with developmental delay from ages 3 through 5 years old to 3 through 9 years old.

3301-51-03 Child Find

- Language was updated to be consistent with terminology within the rest of the Operating Standards and within the federal Individuals with Disabilities Education Act (IDEA).
- Revised the language to reflect expanding the age range for developmental delay from ages 3 through 5 years old to 3 through 9 years old.
- Added language regarding the risk ratio and disproportionality to align with the requirements in IDEA.

3301-51-04 Confidentiality

- Added and consolidated sections to align with federal law.
- Subsections (Q)(1) and (Q)(2) have been combined into a new section that adds the requirement that an educational agency may only transmit student records to the extent permitted by federal FERPA.

3301-51-05 Procedural Safeguards

- Surrogate parent duties were added to this section as required by federal IDEA, [34 C.F.R. 300.519](#).
- Language was added to clarify that the district of residence must conduct the resolution meeting and attempt to resolve the due process complaint.
- Language was added to clarify that only the school district of residence may initiate an expedited due process hearing.

SUBSECTION K(3):

- Language in the mediation provisions were removed: “Both parties to the mediation must be involved in selecting the mediators and agree with the selection. When the parties cannot agree, the Ohio Department of Education will select the mediator and provide notice to the parties on the selection of the mediator.” This is adjusted to reflect federal IDEA, [34 CFR 300.506\(b\)\(3\)\(ii\)](#) that states, “The SEA must select mediators on a random, rotational, or other impartial basis.”

3301-51-06 Evaluation

- Wording was amended to reflect the change which expands the age range for developmental delay from ages 3 through 5 years old to 3 through 9 years old.
- Added timeline for evaluations of students who transfer educational agencies. The new timeline provides 30 days to either accept the evaluation from the prior agency or obtain parental consent. The timeline also provides 60 days from the date of consent to complete the evaluation.
- Amended the language for medical consultations from "Medical consultation shall be encouraged" to "Medical consultation, as appropriate."

3301-51-07 Individualized education program (IEP)

- A new section was added to make it clear that progress must be reported on transition goals and objectives.
- Replacing the IEP acronym with the term “individualized education program” the term “school district” with the term “educational agency” and updating internal citations.
- Changes, deletions, duplication removal, and rewording for clarity.
- The title was amended to more accurately describe the section.

SUBSECTION (H)

- Added a specific timeline regarding transmittal of records for clarity.

3301-51-08 Parentally placed nonpublic school children

- Moved and renumbered to follow chronological and alphabetical order after the removal of language.
 - Language was moved and renumbered to be consistent with Individuals with Disabilities Education Act (IDEA) formatting and numerical order.
- Language that stated proportionate share funds cannot be used for child find activities was removed. Districts still maintain child find responsibilities for nonpublic school children regardless of any proportionate share of funds allocated.
 - Removal of language specific to parents making their intention clear to keep a child at a nonpublic school. This was removed because the notice should be provided to all parents of nonpublic children.

3301-51-09 Delivery of services

- Language updated to be consistent with terminology within the rest of the chapter and within the Individuals with Disabilities Education Act (IDEA).
- Language was edited, removed, or added to ensure readability and accuracy.

SUBSECTION (I):

- Added “personnel coordinating and providing transition services while serving in the capacity of a school age or related service provider will operate in accordance with the workload determination for delivery of service as defined in this rule and requirements limiting the number of students per licensed professional as described in this rule” which was previously part of the operating standards memo.
- Removed previous provisions which referred to work study coordinators and replaced with “Coordinated by personnel who possess the credential or skills and knowledge as defined in this rule:” which was previously part of the operating standards memo.
- Removed previous provisions which referred to vocational special education coordinators and replaced with “Provided per division (O) of section [3323.01](#) of the Revised Code by individuals who possess the credential or skills and knowledge as defined in this rule” which was previously part of the operating standards memo.
- Added “personnel coordinating and providing transition services while serving in the capacity of a school age or related service provider will operate in accordance with the workload determination for delivery of service as defined in this rule and requirements limiting the number of students per licensed professional as described in this rule” which was previously part of the operating standards memo.

SUBSECTION (J):

- Removed strategic planning to align with current Ohio Administrative Code.

3301-51-10 Transportation of Children with Disabilities

- Added language for clarification around boards of education, added citation to general transportation rule to remove rescinded rules. Added clarifying language around privately owned vehicles.
- Added language specifying state residential schools for clarification.

SUBSECTION A:

- Revised the language to reflect expanding the age range for developmental delay from ages 3 through 5 years old to 3 through 9 years old.
- Added clarifying language around privately owned vehicles.

3301-51-11 Preschool children eligible for special education

- Amended language in the definition of “public school preschool integrated class” from “fifty per cent of the students the class are children with disabilities” to “fifty per cent or fewer of the students in the class are children with disabilities.”
- Removed language requiring a reevaluation to be conducted prior to age 6 for children under the category of developmental delay.

3301-51-21 Providing instructional materials to children with visual impairments and others with print disabilities that are listed for sale by publishers with the superintendent of public instruction

- Amended language to reflect the need for all materials in school to conform to federal accessibility standards.
- Removed language that references the third edition of the Math Markup Language to ensure that the most current version of the Math Markup Language is being utilized.