



# Special Populations Processes and Services

## **OUR MISSION**

We are dedicated to providing premier educational choices and advanced employment preparation for youth, adults, and organizations of the Miami Valley.

## **OUR BELIEFS**

Guided by our Mission Statement, both our thinking and our actions will reflect the following fundamental beliefs:

- Family is the primary influence in the development of the individual.
- Success depends upon working as a team to build a strong foundation for optimal learning.
- Continued partnerships among MVCTC and businesses and colleges are important.
- Every student has the right to an education, but not the right to interfere with others.
- MVCTC must be the leader in career and technical education for the Career-Technical Education Planning District, the state, and the nation.
- The learning environment must be safe and secure.
- The curriculum must be relevant and applied.
- All individuals can learn, are unique, and have worth.
- Quality requires consistent review and improvement.
- Decisions should be made in the best interest of the students, school, and community.
- Learning is a lifelong process.
- High expectations are the foundation of high achievement.



*The Board's policy of nondiscrimination extends to students, staff, job applicants, the general public and individuals with whom it does business and applies to race, color, national origin, sex (including sexual orientation and transgender identity), disability, age, religion, military status, ancestry, genetic information, or any other protected category.*

## Contents

Staff.....	Page 4
Awareness Opportunities prior to Application... ..	Page 5
Resources Available to assist with the Application Process.....	Page 5
Admissions.....	Page 5
Preparation for Application.....	Page 6
Application Process.....	Page 6
Procedure after a Student has been Accepted.....	Page 7
Progress Monitoring.....	Page 7
Continuum of Services.....	Page 8

## Glossary of Terms

LRE = Least Restrictive Environment

SWD = student with a disability

IEP = Individualized Education

Program Special Populations (Per

Perkins V) =

Special populations are defined as: (a) individuals with disabilities; (b) individuals from economically disadvantaged families, including low-income youth and adults; (c) individuals preparing for non-traditional fields; (d) single parents, including single pregnant women; (e) out-of-workforce individuals; (f) English learners; (g) homeless individuals; (h) youth who are in, or have aged out of, the foster care system; and (i) youth with parents on active duty in the armed forces.

**MVCTC Staff (as it relates to SWD)**

<b><u>Superintendent</u></b>	<b><u>Phone Number</u></b>	<b><u>Email</u></b>
Dr. Nick Weldy	937-854-6291	nweldy@mvctc.com
<b><u>Student Services Supervisor</u></b>	<b><u>Phone Number</u></b>	<b><u>Email</u></b>
Brian Jettinghoff	937-854-6258	bjettinghoff@mvctc.com
<b><u>Principals</u></b>	<b><u>Phone Number</u></b>	<b><u>Email</u></b>
Ray Caruthers	937-854-6081	rcaruthers@mvctc.com
Jessica Mumau	937-854-6351	jmumau@mvctc.com
Natasha Norvell	937-854-6084	nnorvell@mvctc.com
Dale Winner	937-854-6079	dwinner@mvctc.com
<b><u>Intervention Specialist</u></b>	<b><u>Phone Number</u></b>	<b><u>Email Address</u></b>
Kendra Burkhardt	937-854-6180	lhelman@mvctc.com
Diana Carlisle	937-854-6223	dcarlisle@mvctc.com
Lori Flora	937-854-6098	lflora@mvctc.com
Angela Freeze	937-854-6245	afreeze@mvctc.com
Brad Hammontree	937-854-6157	bhammontree@mvctc.com
Dana Heckman	937-854-6229	dheckman@mvctc.com
Candace Hundley	937-854-6379	chundley@mvctc.com
Amanda McFall	937-854-6668	amcfall@mvctc.com
Nicole Morgan	937-854-6591	nmorgan@mvctc.com
Chad Price	937-854-6299	csprice@mvctc.com
Lisa Shank	937-854-6052	lshank@mvctc.com
Nikki Taylor	937-854-6295	ntaylor@mvctc.com
Carolyn Thiel	937-854-6864	cthiel@mvctc.com
Abigail Watson	937-854-6064	awatson@mvctc.com
Amber Wright	937-854-6246	awright@mvctc.com
<b><u>Enrollment Coordinator</u></b>	<b><u>Phone Number</u></b>	<b><u>Email Address</u></b>
Mrs. Carrie Wiant	937-854-6244	cwiant@mvctc.com
<b><u>School Counselors/504</u></b>	<b><u>Phone Number</u></b>	<b><u>Email Address</u></b>
Mr. Jon Baumhauer	937-854-6365	jbaumhauer@mvctc.com
Mrs. Tracy Hetrick	937-854-6355	thetrick@mvctc.com
Ms. Olivia Newman	937-854-6350	onewman@mvctc.com
Mr. Jeff Waugh	937-854-6270	jwaugh@mvctc.com
Mrs. Taiya Woodall	937-854-6068	twoodall@mvctc.com

### **Awareness Opportunities for Students Prior to Application**

- Career camp – offered during the summer to students going into 8<sup>th</sup>, 9<sup>th</sup>, and 10<sup>th</sup> grades
- STEM camp - offered during the summer to students going into 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> grades
- Robotics camp - offered during the summer to students going into 7<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup>, and 10<sup>th</sup> grades
- Individual program visits – arranged as needed through the Enrollment Coordinator’s Office
- Career Exploration visitations – 8<sup>th</sup> grade opportunities available to a school district
- Sophomore Career Day visitations – offered to students during 10<sup>th</sup> grade

### **Resources Available to Assist with the Application Process**

- Suggested skills for each program – Each program has been analyzed to determine the academic skills and functional ability needed to be successful in the program. These can be located under each program description on the website under *Future Students, Career Technical Programs*
- Detailed program descriptions – Each program has a detailed description of the outcomes of the program and the type of activities located on the website under *Future Students, Career Technical Programs*
- Individual school counseling – call or email the Student Services Supervisor
- Program visitations – call or email the Enrollment Coordinator

### **Admissions**

Students must be enrolled at a partner district or another public or private school in Ohio for admission and continued enrollment at MVCTC. Admission priority will be provided first to students currently attending one of our 27 partner schools and then second to students currently residing in one of the attendance districts of the partner schools. At all times, program admissions may be limited due to predetermined factors, including but not limited to, the size of the facilities/lab, the availability of necessary equipment, and student and staff safety concerns. MVCTC shall comply with all applicable state and federal laws and regulations pertaining to the admission of students with disabilities. Final acceptance, for admittance, for a student on an IEP will be determined after an IEP meeting is convened with a MVCTC representative in attendance. Admission to all MVCTC courses shall only be for credit with a grade issued at the end of the course. MVCTC does not offer an audit option. The Miami Valley Career Technology Center has established a rolling admissions process.

Applications will be reviewed in the following order:

#### **Partner School Student- Early February – August**

Applications from qualified students currently attending one of the MVCTC's 27 partner schools will be reviewed. During this time, admission priority will be given to these students. Applications not received by the published early February date will be reviewed to the extent space is available.

#### **Non-Partner School Resident Student- Mid April – August**

To the extent that there is space available, applications from qualified students currently residing in one of the attendance districts of the 27 partner schools, but attending a different public or private school will be reviewed.

### **Open Enrollment Student- Early May – August**

To the extent that there is space available in the program, applications from qualified students who wish to be admitted under MVCTC's open enrollment policy (i.e., students who neither attend one of the partner schools nor reside in one of the attendance districts of the partner schools, while attending a public or private school) will be reviewed for admission.

**In addition to the foregoing, preference for admission shall be in the following order:**

**Note: Students must be enrolled at a partner district or another public or private school in Ohio for admission and continued enrollment at MVCTC.**

1. Students who have completed two years of high school and need two years at MVCTC to complete their graduation requirements.
  1. Students who complete the application packet and provide all needed records by the published early February date.
  2. Students who are in good standing at their current high school and on track to graduate without any credit deficiencies.
  3. Students who have demonstrated good scores on the end-of-course exams.
  4. Students who meet the "Suggested Skills for Success" for the program.
2. In the case of a one-year program, students who have completed three years of high school and need one year at MVCTC to complete their graduation requirements.
  1. Students who complete the application packet and provide all needed records by the published early February date.
  2. Students who are in good standing at their current high school and on track to graduate without any credit deficiencies.
  3. Students who have demonstrated good scores on the end-of-course exams.
  4. Students who meet the "Suggested Skills for Success" for the program.

*\* Applications from students who do not meet the above stated admission preferences will be reviewed if openings still exist. Students who have credit deficiencies will be required to submit plans for making up the credit deficiencies if they are admitted to MVCTC.*

*\*\* Students are prioritized based on the grades earned, types of courses they have completed, attendance, and state mandated test scores*

## **Preparation for Application**

All students are provided equal access to career technical programs. In order to provide a successful experience for SWDs, it is vitally important for a plan to be developed that will provide students with the best possible chance to find gainful employment and/or college admission after graduation. In order for this to happen, the following steps need to be taken by the IEP team in direct collaboration with the MVCTC:

1. Prior to the student submitting an application to MVCTC, the student's IEP team needs to familiarize itself with the programs available at MVCTC and understand the competencies to be taught in the program.
2. Career Assessment is offered to all students who may have an interest in the MVCTC. The process provides additional information to help identify programs suitable to meet the goals of the transition plan.
3. Students or staff from the student's partner school may request that a MVCTC representative be present at transition meetings or to discuss program options.
4. Students with disabilities submit their applications at the same time as all students.

**Due the nature of a career-technical program and the time a student spends in a lab, students cannot change labs after the first two weeks of school.**

## **Application Process**

The electronic application will become active the last day of Sophomore Career Day visits which will generally be during the last week of November or the first week of December. Once a student completes the application, the partner school counselor will complete the process by adding course request forms, test scores, attendance, and transcripts. The MVCTC will start the application review process in mid-February. Students are notified of their acceptance status by early April.

## **Procedures after a Student has been Provisionally Accepted**

**(all students are provisionally accepted since MVCTC does not have the complete transcript for the school year)**

1. A list of all students who were provisionally accepted to MVCTC will be sent to appropriate partner school counselors and special education administrators for the purpose of identifying students who have an IEP.
2. Partner schools will send a complete copy of each accepted student's current IEP and ETR (with the signature pages) within two weeks after notice of acceptance.
3. An IEP team meeting will be convened by the partner school with a MVCTC representative to:
  - a. Review the student's current needs and services as prescribed by the IEP.
  - b. Review the MVCTC educational and lab environments which may include the operating levels of the lab, major learning outcomes, safety considerations, and mobility considerations, to name a few.
4. Based on the student's identified needs, the IEP team will then determine the appropriateness of the accepted MVCTC setting. Options include, but are not limited to:

- a. Lab and academic offerings are appropriate – student attends all day at MVCTC
  - b. Lab is appropriate but academics are not – student attends lab only
  - c. Neither lab nor academics are appropriate – student remains at the partner school and may reapply at a later date as a multi-year graduate for lab only
5. If a student receives related services, the IEP team which includes both the student's partner school and MVCTC staff will determine how these services will be provided.
6. For students who are identified as limited English proficient, a plan will be cooperatively developed to determine services needed.

### **Progress Monitoring**

The partner school staff will be able to monitor progress through:

- Progress reports (in addition to required IEP progress reports)
- Access to SameGoal (IEP Anywhere)
- Access to Parent/Internet Viewer
- Access to weekly grade averages through the MVCTC Application Program
- Phone calls/emails to appropriate staff
- Meetings as scheduled

### **Continuum of Services**

IEP services and supports are provided within all academic and career technical education programs. Students may participate in an applicable continuum of placements provided to meet the needs of children with disabilities within the least restrictive environment at MVCTC, as appropriate, based upon the IEP team decision.

### **Continuous Improvement**

MVCTC will collaborate with Districts of Residence during their internal IEP reviews using both state and locally developed tools and checklists to establish a consistent standard and level of compliance.



# **SPECIAL EDUCATION POLICIES AND PROCEDURES**

Adopted on:  
April 9, 2019

By: Miami Valley Career Technology Vocational District

## **INTRODUCTION**

By adopting these Policies and Procedures, the Miami Valley Career Technology Center (the “CTC”) is adopting written policies and procedures regarding the manner in which the CTC fulfills its obligations under the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) and the Ohio Operating Standards for Ohio Educational Agencies Serving Children with Disabilities (hereafter referred to as the “Operating Standards”). The Operating Standards require that the CTC adopt written policies and procedures in a number of different areas, and the CTC has chosen to adopt these policies and procedures in order to satisfy the requirements of the Operating Standards. This document, while comprehensive, does not include every requirement set forth in the IDEA, the regulations implementing IDEA, the Operating Standards, the Ohio Revised Code (ORC) and/or the Ohio Administrative Code (OAC). The CTC recognizes its obligation to follow these laws, regardless of whether their provisions are restated in these Policies and Procedures, and to be fully supportive of all services in a child’s individualized education plan (IEP).

## **I. FREE APPROPRIATE PUBLIC EDUCATION (FAPE)**

The CTC understands that a child's district of residence (DOR) is responsible for ensuring that a free appropriate public education (FAPE) is made available to all children with disabilities between the ages of 3 and 21, inclusive, in accordance with IDEA and the Operating Standards. Additionally, the CTC agrees to collaborate with the DOR to make FAPE available to all children with disabilities who are receiving services through the CTC.

### **A. RESIDENTIAL PLACEMENT**

If necessary for the DOR to place a child with a disability in a public or private residential program to provide special education and related services, the program, including non-medical care and room and board, is at no cost to the parents of the child.

### **B. ASSISTIVE TECHNOLOGY**

The CTC will make assistive technology, provided by the DOR, available if required as part of the child's special education, related services or supplementary aids and services as indicated in that child's individualized education program (IEP).

### **C. EXTENDED SCHOOL YEAR (ESY) SERVICES**

The CTC acknowledges that the DOR has an obligation to ensure that extended school year services are provided if a child's IEP team determines that the services are necessary for the provision of FAPE to the child. The CTC will collaborate with the DOR in providing extended school year services when appropriate for children with disabilities enrolled in CTC programs.

### **D. NONACADEMIC SERVICES**

The CTC takes steps, including the provision of supplementary aids and services determined appropriate and necessary by the child's IEP team, to provide applicable 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 children without disabilities.

Nonacademic and extracurricular services and activities include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the CTC, referrals to agencies that provide assistance to individuals with disabilities, and employment of children, including both employment by the CTC and assistance in making outside employment available.

## **E. PROGRAM OPTIONS AND PHYSICAL EDUCATION**

The CTC takes steps to ensure that children with disabilities served by the CTC have available to them the variety of educational programs and services available to nondisabled children served by the CTC. The CTC ensures that a child with a disability receives appropriate physical education services unless the CTC does not provide physical education to children without disabilities in the same grades.

## **F. TRANSPORTATION**

In collaboration with the CTC, the DOR provides transportation service, when appropriate, in accordance with IDEA and the Operating Standards. If the CTC elects to provide transportation for children with disabilities, it will be in accordance with IDEA and section 3301-51-10 of the Operating Standards.

# **II. CONFIDENTIALITY**

The CTC ensures protection of the confidentiality of any personally identifiable information with regards to the collection, use, storage, disclosure, retention, and destruction of information. In collaboration with the DOR, the CTC gives notice to all parents of children receiving special education and related services that is adequate to fully inform parents about confidentiality requirements, in accordance with 3301-51-04 of the Operating Standards.

## **A. ACCESS RIGHTS**

The CTC permits parents (or a representative of a parent) to inspect and review any education records relating to their children that are collected, maintained, or used by the CTC and in accordance with the Family Educational Rights and Privacy Act (FERPA). 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. The CTC does not charge a fee to search for or retrieve information. The CTC may charge a fee for copies of records, but does not charge a fee for copies of records that will effectively prevent the parents from exercising their right to inspect and review records.

In collaboration with the DOR, the CTC complies with a request to access records without unnecessary delay and before any meeting regarding an IEP, or any hearing pursuant to 3301-51-05 of the Operating Standards, and any resolution session pursuant to 3301-51-05 of the Operating Standards, and in no case more than 45 days after the request has been made.

In collaboration with the DOR, the CTC responds to reasonable requests for explanations and interpretations of the records, provides copies if failure to provide copies would effectively prevent the parent from exercising the right to

inspect and review the records and permits a representative of a parent to inspect and review records.

The CTC presumes that a parent has the authority to inspect and review records relative to that parent's child unless the CTC has been advised that the parent does not have the authority under applicable state law governing such matters as guardianship, separation, divorce or the child reaching the age of majority. Once a child has become an "eligible child", defined as a child who has reached 18 years of age, all rights accorded to the parents transfer from the parents to the child.

Upon request, the CTC, in collaboration with the DOR, provides parents a list of the types and locations of education records collected, maintained or used by the CTC.

In collaboration with the DOR, the CTC keeps 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.

## **B. AMENDMENT OF RECORDS/HEARING PROCESS**

A parent who believes that information in the education records collected, maintained, or used by the CTC are inaccurate, misleading or violate the privacy or other rights of the child may request that the CTC, in collaboration with the DOR, amend the information. In collaboration with the DOR, the CTC decides whether to amend the information in accordance with the request within a reasonable period of time. If the CTC, in collaboration with the DOR, decides not to amend the information in accordance with the request, it informs the parent of the refusal and advises the parent of the right to a hearing as set forth below and in 34 Code of Federal Regulations (C.F.R.) 300.619.

### **1. HEARING PROCEDURE**

If the parent requests a hearing to challenge information in education records, the hearing is conducted in accordance with the procedures in 34 C.F.R. 99.22 and within a reasonable period of time after the CTC receives the request. The hearing is conducted in accordance with the following procedures:

- a. The parents or eligible child shall be given notice of the date, time and place, reasonably in advance of the hearing;
- b. The hearing may be conducted by any individual, including an official of the CTC and/or the DOR who does not have a direct interest in the outcome of the hearing;
- c. The parents or eligible child shall be afforded a full and fair opportunity

to present evidence relevant to the child's education records and the information the parent believes is inaccurate or misleading or violates the privacy or other rights of the child;

- d. The parents or eligible child may, at their own expense, be assisted or represented by one or more individuals of their choice, including an attorney;
- e. The CTC, in collaboration with the DOR, makes its decision in writing within a reasonable period of time after the hearing; and
- f. The decision is based solely upon the evidence presented at the hearing and includes a summary of the evidence and the reasons for the decision.

## **2. RESULTS OF HEARING**

If the CTC, in collaboration with the DOR, as a result of the hearing, decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, it amends the information accordingly and informs the parent in writing.

If the CTC, in collaboration with the DOR, as a result of the hearing, decides that the information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, it must inform the parent of the parent's right to place in the child's records a statement commenting on the information or setting forth any reasons the parents disagree with the decision of the CTC or the DOR.

Any explanation placed in the records of a child are:

- a. Maintained by the CTC and DOR, as part of the records of the child as long as the record or contested portion is maintained by the CTC; and
- b. Disclosed any time the records of the child or the contested portion are disclosed by the CTC to any party.

## **C. PARENTAL CONSENT PRIOR TO DISCLOSURE OF RECORDS**

1. The CTC or DOR obtains parental consent before personally identifiable information is disclosed to parties, other than officials of participating agencies as defined in 34 C.F.R. 300.611(c), unless the information is contained in education records and the disclosure is authorized without parental consent under FERPA.
2. The parent's consent must be in writing, signed and dated and must:
  - a. Specify the records that may be disclosed;
  - b. State the purpose of the disclosure; and
  - c. Identify the party or class of parties to whom the disclosure may be made.
3. The CTC or DOR obtains parental consent or the consent of an eligible child before personally identifiable information is released to the following

entities:

- a. To officials of participating agencies providing or paying for transition services in accordance with 3301-51-07 of the Operating Standards;
- b. To officials in another district or school in connection with the child's enrollment in a nonpublic school; and/or
- c. For purposes of billing insurance and/or Medicaid.

#### **D. TRANSFER OF RIGHTS AT AGE OF MAJORITY**

The CTC, in collaboration with the DOR, affords rights of privacy to children similar to those afforded to parents, taking into consideration the age of the child.

The rights of parents regarding education records under FERPA transfer to the child at age 18.

Once a child reaches the age of 17, the IEP must include a statement that the child has been informed regarding this transfer of rights.

#### **E. DISCIPLINARY INFORMATION AND REPORTS TO LAW ENFORCEMENT**

In collaboration with the DOR, the CTC includes in the records of a child with a disability a statement of any current or previous disciplinary action that has been taken against the child and transmits the statement to the same extent that disciplinary information is included in, and transmitted with, the records of nondisabled children.

When a child transfers from the DOR, the CTC's transmission of any of the child's records, in collaboration with the DOR, includes both the child's current IEP and any statement of current or previous disciplinary action that has been taken against the child.

A statement of disciplinary action shall:

1. Specify the circumstances that resulted in the disciplinary action and provide a description of the disciplinary action taken if the disciplinary action was taken because the child:
  - a. Carried a weapon to or possessed a weapon at school, on school premises or to or at a school function;
  - b. Knowingly possessed or used illegal drugs, or sold or solicited the sale of a controlled substance, while at school, on school premises or at a school function; or
  - c. Inflicted serious bodily injury upon another person while at school, on school premises or at a school function; and
2. Include any information that is relevant to the safety of the child and other individuals involved with the child.

A statement of disciplinary action may include a description of any other behavior engaged in by the child that required disciplinary action, and a description of the disciplinary action taken.

If the CTC reports a crime to the appropriate law enforcement officials, the CTC, in collaboration with the DOR, transmits copies of the special education and disciplinary records of the child to those officials only to the extent that the transmission is permitted by FERPA.

#### **F. DESTRUCTION OF RECORDS**

The DOR, in collaboration with the CTC, informs parents when personally identifiable information is no longer needed to provide educational services to the child. If the parents request, the information is then destroyed. However, in collaboration with the DOR, a permanent record of a child's name, address, telephone number, grades, attendance record, classes attended, grade level completed and year completed is maintained without time limitation.

### **III. CHILD FIND**

In accordance with federal law, the CTC will collaborate with the DOR in the identification and evaluation of all children who are enrolled in the CTC and require special education and related services.

This includes children who are:

- Advancing from grade to grade;
- Enrolled by their parents in nonpublic secondary schools, including religious schools, located in the DOR (regardless of the severity of their disability);
- Wards of the state, homeless children and children who are highly mobile, including migrant children.

#### **A. RESPONSIBILITY FOR DETERMINING ELIGIBILITY**

A group of qualified professionals, which includes the DOR and the parent of the child will determine whether children enrolled at the CTC qualify as "children with a disability", as defined under 34 C.F.R. 300.8, and are therefore entitled to receive services under IDEA.

#### **B. CHILD IDENTIFICATION PROCESS**

The DOR has an obligation to have a child identification process that includes the location, identification and evaluation of a child suspected of having a disability. The CTC will take all reasonable measures to notify the DOR of a child suspected of having a disability who attends the CTC.



### **C. DATA COLLECTION**

The CTC, in collaboration with the DOR, maintains an education management information system and submits data to ODE pursuant to rule 3301-14-01 of the Ohio Administrative Code. The CTC's and DOR's collection of data includes information needed to determine if significant disproportionality based on race and ethnicity is occurring in the District with respect to the identification of children as children with disabilities, the placement of children in educational settings and the incidence, duration and type of disciplinary actions.

## **IV. Procedural Safeguards**

### **A. PRIOR WRITTEN NOTICE**

The DOR, in collaboration with the CTC will, provide prior written notice to the extent required by IDEA, the Ohio Revised Code and the Ohio Administrative Code. The CTC acknowledges that the DOR has an obligation to give written notice to the parents of a child with a disability a reasonable time before the DOR:

- Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE; or
- Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE.

The CTC acknowledges that the DOR has an obligation to use the form required by ODE-OEC titled Prior Written Notice PR-01 and the CTC will use the form to the extent that it sends Prior Written Notices.

#### **1. CONTENT OF PRIOR WRITTEN NOTICE**

The prior written notice, in accordance with the IDEA regulations, the Ohio Revised Code and Ohio Administrative Code, includes the following information:

- (a) A description of the action proposed or refused by the DOR;
- (b) An explanation of why the DOR proposes or refuses to take this action;
- (c) A description of other options that the IEP team considered and the reasons why those options were rejected;
- (d) A description of each evaluation procedure, assessment, record or report that the DOR used as a basis for the proposed or refused action;
- (e) A description of other factors that are relevant to the DOR's proposal or refusal;
- (f) A statement that the parents of a child with a disability have procedural safeguards and, if the notice is not an initial referral for

- evaluation, the means by which a copy of the description of procedural safeguards can be obtained; and
- (g) Sources for parents to contact to obtain assistance in understanding the provisions regarding procedural safeguards; and
  - (h) A description of other factors that are relevant to the DOR's proposal or refusal.

## 2. COMMUNICATION OF THE PRIOR WRITTEN NOTICE

The prior written notice shall be written in language understandable to the general public and provided in the native language of the parents or other mode of communication used by the parents unless it is clearly not feasible to do so.

If the native language or other mode of communication is not a written language, the DOR, in collaboration with the CTC, shall take steps to have the notice translated orally or by other means to the parent in the parent's native language or other mode of communication.

The DOR, in collaboration with the CTC, shall take steps to ensure that such parents understand the content of the notice and maintain written evidence that the requirements set forth in this paragraph, if applicable, have been met.

The DOR, in collaboration with the CTC, may provide the prior written notice, procedural safeguards notice and the notification of a due process complaint by email if the parents choose to receive the notices electronically.

## B. PROCEDURAL SAFEGUARDS NOTICE

Parents of a child with a disability are entitled to specific procedural safeguards under federal and state law.

***A GUIDE TO PARENT RIGHTS IN SPECIAL EDUCATION (April 2017)*** developed by ODE-OEC, includes a full explanation of these procedural safeguards.

The DOR, in collaboration with the CTC, provides parents with a copy of ***A GUIDE TO PARENT RIGHTS IN SPECIAL EDUCATION*** at least once a year. This includes:

- Providing a copy to the parents of a child who transfers into the District from out-of-state; and
- Providing a copy to the parents of a child who transfers into the District from an in-state school if the sending District has not provided a copy to the parents during the current school year.

In addition, the DOR provides parents with a printed copy of this procedural safeguards notice in each of the following circumstances:

- The initial referral or parental request for evaluation;
- The receipt of the first due process complaint in a school year;
- A change in placement for disciplinary action; and
- When requested by the parents or the child who has reached the age of majority.

In providing ***A GUIDE TO PARENT RIGHTS IN SPECIAL EDUCATION***, the DOR, in collaboration with the CTC, follows the procedures for communication that are described above under Chapter IV, Section A, Prior Written Notice.

### **C. PARENTAL CONSENT**

Consent means that the parents:

- Have been fully informed, in the parents' native language or other mode of communication, of all information relevant to the activity for which consent is sought;
- Understand and agree in writing to the carrying out of the activity for which the consent was asked. The consent describes that activity and lists the records (if any) that will be released and to whom they will be released; and
- Understand that the granting of consent is voluntary and may be revoked at any time.

#### **1. ACTIONS REQUIRING INFORMED WRITTEN PARENTAL CONSENT**

The DOR, in collaboration with the CTC, will obtain written consent from the parents before:

- a. Conducting an initial evaluation to determine if a child qualifies as a "child with a disability" and is therefore eligible for special education services;
- b. Initially providing special education and related services;
- c. Conducting a reevaluation when assessments are needed;
- d. Making a change in placement on the continuum of alternative placement options (i.e., regular classes, special classes, special schools, home instruction and instruction in hospitals and institutions); and
- e. Releasing personally identifiable information as detailed in Chapter II, Section C.

The DOR, in collaboration with the CTC, will use the ODE- OEC required Consent for Evaluation PR-05 form to obtain written parental consent for evaluation and reevaluation and the required IEP PR-07 form to obtain written parental consent for the initial provision of special education and related services and for making a change in placement.

The DOR, in collaboration with the CTC, does not obtain written parental

consent when reviewing existing data as part of an evaluation or reevaluation or when administering a test or evaluation that is given to all children, unless consent is required of all parents.

## **2. CHANGE IN PLACEMENT**

The DOR must receive the initial parental consent for special education and related services. The DOR, in collaboration with the CTC, must then ensure that the placement decision is made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data and placement options. A “change of placement” means a change from one option on the continuum of alternative placements to another (instruction in regular classes, special schools, home instruction and instruction in hospitals and institutions).

If the DOR cannot obtain parental consent, it may file a due process complaint requesting a due process hearing or engage in conflict resolution to obtain agreement or a ruling that the placement may be changed.

## **3. PARENTS’ FAILURE TO RESPOND OR REFUSAL TO PROVIDE CONSENT**

The DOR, in collaboration with the CTC, makes “reasonable efforts” to contact parents and obtain written parental consent that may include:

- Written correspondence;
- Phone calls;
- Electronic communications; and/or
- Visits to the home or parents’ places of employment.

The DOR, in collaboration with the CTC, documents its attempts. If the parents fail to respond or refuse to provide consent, the DOR, in collaboration with the CTC, proceeds as follows:

### **a. INITIAL EVALUATION**

If the parents of a child enrolled in the DOR or seeking to be enrolled in the DOR fail to respond to the DOR’s efforts to obtain consent or refuse consent for the initial evaluation, the DOR, in collaboration with the CTC, may:

- (i) Request a due process hearing and engage in conflict resolution (e.g., resolution meeting and/or mediation) to convince the parents to provide their consent; or
- (ii) Decide not to pursue the initial evaluation.

### **b. REEVALUATION**

If the parents fail to respond to the DOR’s efforts to obtain consent for a

reevaluation when assessments are needed, DOR, in collaboration with the CTC, proceeds with the reevaluation.

If the parents expressly refuse consent for a reevaluation when assessments are needed, the DOR, in collaboration with the CTC, may:

- (i) Agree with the parents that a reevaluation is unnecessary;
- (ii) Conduct a reevaluation by utilizing existing data as a part of the reevaluation;
- (iii) Request a due process hearing and engage in conflict resolution (e.g., resolution meeting and/or mediation) to convince the parents to provide their consent; or
- (iv) Decide not to pursue having the child reevaluated.

The DOR, in collaboration with the CTC, continues to provide FAPE to the child if the DOR agrees with the parents that a reevaluation is unnecessary.

#### **4. INITIAL PROVISION OF SPECIAL EDUCATION AND RELATED SERVICES**

If the parents do not attend the IEP meeting to develop the IEP for the initial provision of services, the DOR, in collaboration with the CTC, attempts to obtain written parental consent through other methods such as calling the parents, corresponding with the parents and or visiting the parents.

If the parents fail to respond or refuse consent, DOR, in collaboration with the CTC, provides the parents with prior written notice.

#### **5. REVOCATION OF CONSENT**

The parents may revoke consent for and remove the child from special education and related services. Once the DOR receives written revocation of consent, DOR, in collaboration with the CTC, provides the parents with prior written notice and continues to provide the child with appropriate interventions through the regular education environment.

Neither the DOR nor CTC is required to amend the child's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent.

If a parent has provided written revocation of consent, the DOR or CTC does not file a due process complaint or engage in conflict resolution to attempt to obtain agreement or a ruling that special education and related services may be provided to the child.

### **E. CONFLICT RESOLUTION**

#### **1. ADMINISTRATIVE REVIEWS**

Within 20 school days of receipt of a complaint from a child's parents or another educational agency, DOR's superintendent, or the superintendent's designee, in collaboration with the CTC, conducts a review, must hold an administrative hearing and notifies all parties of the decision in writing.

- a. All parties have the right to invite others, including legal counsel, to participate in the review.
- b. The review is conducted at a time and place convenient to all parties.
- c. Every effort is made to resolve any disagreements at the administrative review.

## **2. MEDIATION**

At its discretion, the DOR, in collaboration with the CTC, participates in the resolution of disputes with other parties through the voluntary mediation processes available through ODE-OEC.

## **F. CHILD'S STATUS DURING DUE PROCESS PROCEEDINGS/CODE OF CONDUCT VIOLATIONS**

### **1. CHILD'S STATUS DURING DUE PROCESS PROCEEDINGS**

The DOR, in collaboration with the CTC, ensures that a child remains in the current educational placement during the pendency of any administrative or judicial proceeding regarding a due process complaint, unless the parents of the child and the state or DOR agree otherwise. If the state level review officer agrees with the child's parents that a change in placement is appropriate, that placement is treated as an agreement between the state and the parents. If the complaint involves an application for initial admission to the DOR, the child, with the consent of the parents, is placed in the DOR until the completion of all proceedings.

### **2. DISCIPLINARY PROCEEDINGS**

The CTC, in collaboration with the DOR, may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of 3301-51-05 of the Operating Standards, is appropriate for a child with a disability who violates a code of child conduct.

#### **a. Changes in placement more than 10 consecutive school days**

The DOR, in collaboration with the CTC, considers on a case-by-case basis whether a pattern of removals constitutes a change of placement. A change in placement occurs if:

- (i) The removal is for more than 10 consecutive school days, **or**
- (ii) The child has been subjected to a series of removals that constitute a pattern:
  - (a) Because the series of removals totals more than 10 school days in a school year;
  - (b) Because the child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals; and
  - (c) Because of such additional factors as the length of each removal, the total amount of time the child has been removed and the proximity of the removals to one another.

**b. Services during removal from current placement**

The DOR, in collaboration with the CTC, provides services to a child removed from the child's current placement as follows:

- (i) If the child has been removed from the child's current placement for 10 school days or less in the school year, services are provided only to the extent that services are provided to a child without disabilities who is similarly removed;
- (ii) If the removal is a change in placement, the child's IEP team determines appropriate services per the current IEP; and
- (iii) If a child with a disability is removed from the child's current placement for either more than 10 consecutive days for behavior that is determined **not** to be a manifestation of the child's disability or under circumstances that constitute special circumstances, as defined below in Article IV(F)(2)(d), the DOR, in collaboration with the CTC, ensures that the child:
  - (a) Continues to receive educational services so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and
  - (b) Receives, 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.

**c. Manifestation determination**

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 DOR, the parent and relevant members of the child's IEP team (as determined by the parent, the DOR, and the CTC) must review all relevant information in the child's file, including the child's ETR and IEP, any teacher observations and any relevant information provided by the parents to determine if the conduct was a manifestation of the child's

disability. The DOR determines that the conduct is a manifestation of the child's disability:

- (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 DOR's or the CTC's failure to implement the IEP.

If the DOR, parents and relevant members of the IEP team determine that the conduct in question was the direct result of the DOR's or CTC's failure to implement the IEP, the DOR, in collaboration with the CTC, takes immediate steps to remedy those deficiencies.

- (i) If the conduct was a manifestation of the child's disability, the IEP team either:
  - (a) Starts to conduct a functional behavioral assessment, unless the DOR had conducted a functional behavioral assessment before the behavior that resulted in the change in placement occurred, and implemented a behavioral intervention plan for the child; **or**
  - (b) If a behavioral intervention plan already has been developed, reviews the behavioral intervention plan and the implementation of the plan, and modifies it, as necessary, to address the behavior.
- (ii) Except for the special circumstances, as defined below, return the child to the placement from which the child was removed, unless the parent, and the DOR and the CTC agree to a change of placement as part of the modification of the behavioral intervention plan.

**d. Special circumstances.**

The DOR, in collaboration with the CTC, may remove a child 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:

- (i) Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of ODE or a school district;
- (ii) 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 ODE or a school district; or
- (iii) Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of ODE or a school district.



The DOR, in collaboration with the CTC, defines the terms controlled substance, weapon, illegal drug and serious bodily injury in accord with 34 C.F.R. 300.530(h)(i).

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 child conduct, the DOR, in collaboration with the CTC, must notify the parents of that decision and provide the parents with the procedural safeguards notice described in Section B: Procedural Safeguards Notice above.

**e. Expedited Due Process Hearing**

The DOR or the parents may submit a due process complaint requesting an expedited due process hearing to appeal a decision made during disciplinary procedures

- (i) The DOR, in consultation with the CTC, may request an expedited due process hearing if it believes that maintaining the current placement of a child is substantially likely to result in injury to the child or to others.
- (ii) The parents may request an expedited due process hearing to appeal decisions regarding placement for disciplinary removals or the manifestation determination.

The DOR, is responsible for arranging the expedited due process hearing utilizing the hearing officer appointed by ODE-OEC. The DOR will follow the procedures that apply for other due process hearings except that the expedited due process hearing must occur within 20 school days after the date the due process complaint is filed. The hearing officer then must make a determination within 10 school days after the hearing. The DOR will follow the expedited timelines and the procedures set forth in 34 C.F.R. 300.532(c) and the Procedures for expedited due process hearings in 3301-51-05 of the Operating Standards.

**G. TRANSFER OF PARENTAL RIGHTS AT AGE OF MAJORITY/CHILD NOTIFICATION**

Once a child reaches the age of majority, unless the child has been determined incompetent under state law, DOR, in collaboration with the CTC, will provide notices to both the child and the parents that:

1. All rights transfer to the child; and
2. All rights transfer to children who are incarcerated in an adult or juvenile, state or local correctional institution.

At least one year before the child's 18th birthday, the DOR, in collaboration with the CTC, will inform the child of the parental rights that will transfer to the child upon reaching the age of majority (age 18). The DOR, in collaboration with the

CTC, will document this notice on the child's IEP PR-07 form.

## **V. EVALUATION**

The CTC will collaborate with the DOR in the identification and evaluation of all children who are enrolled in the CTC and require special education and related services.

The DOR, in collaboration with the CTC, uses a referral process to determine whether or not a child is a child with a disability. The DOR, in collaboration with the CTC, also provides interventions to assist a child who is performing below grade-level standards. The provision of intervention services is not used to unnecessarily delay a child's evaluation for purposes of determining eligibility for special education services.

### **A. INITIAL EVALUATION**

#### **1. TIMING AND INITIATION**

The DOR conducts an evaluation before the initial provision of special education and related services. 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.

Within 30 days of receipt of a request for an evaluation, the DOR either obtains parental consent for an initial evaluation or provides to the parents prior written notice stating that the DOR does not suspect a disability and will not be conducting an evaluation.

The initial evaluation:

- a. Is conducted within 60 days of receiving parental consent for the evaluation unless the exception set forth in 34 C.F.R. 300.301(d) applies; and
- b. Consists of procedures:
  - (i) To determine if the child is a child with a disability as defined in 34 C.F.R. 300.8 and 3301-51-01 of the Operating Standards; and
  - (ii) To determine the educational needs of the child.

The DOR obtains parental consent before conducting an evaluation. See Chapter IV, Section C, regarding parental consent requirements. Please note, however, that parental consent for an initial evaluation must not be construed as consent for the initial provisions of special education and related services.

The evaluation team consists of a group of qualified professionals and the parents.

#### **2. THE EVALUATION PLAN AND EVALUATION TEAM REPORT**

As part of the initial evaluation, if appropriate, and as part of any reevaluation, the evaluation team shall develop an evaluation plan that will provide for the following and be summarized in an evaluation team report:

- a. Review of existing evaluation data on the child, including:
  - (i) Evaluations and information provided by the parents of the child;
  - (ii) Current classroom-based, local or state assessments and classroom-based observations;
  - (iii) Observations by teachers and related services providers;
  - (iv) Data about the child's progress in the general curriculum;
  - (v) Data from previous interventions required by rule 3301-51-06 of the Operating Standards
  - (vi) Any relevant trend data beyond the past twelve months, including the review of current and previous IEPs; and
- b. On the basis of that review and input from the child's parents, identify what additional data, if any, are needed to determine:
  - (i) Whether the child is a child with a disability, as defined in 34 C.F.R. 300.8 and 3301-51-01 of the Operating Standards, and the educational needs of the child;
  - (ii) In the case of a reevaluation of a child, whether the child continues to have such a disability and the educational needs of the child;
  - (iii) The present levels of academic achievement and related developmental needs of the child;
  - (iv) Whether the child needs special education and related services; or
  - (v) In the case of a reevaluation of a child, whether the child continues to need special education and related services; and
  - (vi) 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.

### **3. CONDUCT OF EVALUATION**

In conducting the evaluation, the DOR, in collaboration with the CTC:

- a. Uses 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:
  - (i) Whether the child is a child with a disability as defined in 34 C.F.R. 300.8 and 3301-51-01 of the Operating Standards; and
  - (ii) 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);
- b. Does 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
- c. Uses technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

The DOR, in collaboration with the CTC, ensures that:

- a. Assessments and other evaluation materials used to assess a child:
  - (i) Are selected and administered so as not to be discriminatory on a racial or cultural basis;
  - (ii) 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;
  - (iii) Are used for the purposes for which the assessments or measures are valid and reliable;
  - (iv) Are administered by trained and knowledgeable personnel; and
  - (v) Are administered in accordance with any instructions provided by the producer of the assessments.
- b. 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.
- c. 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);
- d. 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;
- e. Assessments of children with disabilities who transfer from one public agency to another public agency in the same school year are coordinated with the children's prior and subsequent schools, as necessary and as expeditiously as possible, consistent with 34 C.F.R. 300.301(d)(2) and (e), to ensure prompt completion of the full evaluations.
- f. In evaluating each child with a disability under 3301-51-06 of the Operating Standards, 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.
- g. Assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are provided.

## **B. ELIGIBILITY DETERMINATION AND EVALUATION TEAM REPORT**

### **1. COMPLETION OF THE EVALUATION TEAM REPORT**

- a. The following occurs upon completion of the administration of assessments and other evaluation measures:
  - (i) A group of qualified professionals and the parent of the child determines whether the child is a child with a disability, as defined in 34 C.F.R. 300.8 and 34 C.F.R. 300.8 and 3301.51-01 of the Operating Standards, in accordance with 34 C.F.R. 300.306(c) and the educational needs of the child; and
  - (ii) The DOR provides a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent.
  
- b. The written evaluation team report shall include:
  - (i) A summary of the information obtained during the evaluation process; and
  - (ii) 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.
  
- c. The DOR provides 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 14 days from the date of eligibility determination.

## **C. REEVALUATIONS**

In accordance with federal law, the CTC will collaborate with the DOR in the identification and evaluation of all children who are enrolled in the CTC and require special education and related services.

The DOR, in collaboration with the CTC, must conduct reevaluations of a child with a disability:

- If the DOR, in collaboration with the CTC, determines that the child's educational or related services needs, including improved academic achievement and functional performance, warrant a reevaluation; or
- If the child's parent or teacher requests a reevaluation; or
- In order to make a change in disability category.

A reevaluation may not occur more than once a year, unless the parent and the DOR, in collaboration with the CTC, agree otherwise.

A reevaluation must occur at least once every three years, unless the parent and the DOR, in collaboration with the CTC, agree that a reevaluation is unnecessary.

The DOR, in collaboration with the CTC, evaluates a child with a disability before determining, that child is no longer a child with a disability, although this evaluation is not required if the child's eligibility terminates due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under state law. If a child's eligibility terminates for one of these reasons, the DOR, in collaboration with the CTC, provides 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 goal.

#### **D. IDENTIFYING CHILDREN WITH SPECIFIC LEARNING DISABILITIES (SLD)**

The DOR has written procedures for the implementation of the evaluation process the DOR uses to determine the existence of a specific learning disability (SLD). In addition, the DOR uses the form required by ODE-OEC, Evaluation Team Report PR-06 and completes Part 3: Documentation for Determining the Existence of a Specific Learning Disability of PR-06 when the DOR suspects the child has a SLD.

##### **1. DETERMINING THE EXISTENCE OF A SPECIFIC LEARNING DISABILITY**

The parents and a group of qualified professionals from the DOR, in collaboration with the CTC, determine that a child has a SLD if:

- a. 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:
  - (i) Oral expression;
  - (ii) Listening comprehension;
  - (iii) Written expression;
  - (iv) Basic reading skill;
  - (v) Reading fluency skills;
  - (vi) Reading comprehension;
  - (vii) Mathematics calculation; or
  - (viii) Mathematics problem solving;

**AND**

- 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 number 1, above, when the DOR uses an evaluation process to determine 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, when the DOR uses appropriate assessments consistent with 3301-51-06 of the Operating Standards that the group has determined to be relevant to the identification of aSLD.

Alternatively, the DOR, in collaboration with the CTC, may choose a third method of evaluation, for determining if a child has a SLD. The DOR seeks prior approval from ODE-OEC if it chooses to use an alternative research-based assessment procedure to determine if a child has a SLD.

## **2. USE OF AN EVALUATION PROCESS BASED ON THE CHILD'S RESPONSE TO SCIENTIFIC, RESEARCH-BASED INTERVENTION FOR SLD DETERMINATION**

If the DOR uses an evaluation process based on the child's response to scientific, research-based intervention to determine whether a child has a SLD, the DOR, in collaboration with the CTC, ensures that this process:

- a. Begins when sufficient data has been gathered and analyzed under conditions of targeted and intensive individualized intervention, when there is evidence of an inadequate response to intervention, 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 the results of these procedures have been reported to the child's parents; and
- d. Includes the analysis of data described in 34 C.F.R. 300.309(b)(1) and (2) to determine whether a discrepancy is present between the child's 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 34 C.F.R. 300.309(a)(1).

The DOR will not use this process to unnecessarily delay a child being evaluated to determine eligibility for special education services.

## **3. ADDITIONAL REQUIREMENTS FOR SLD DETERMINATION**

The DOR, in collaboration with the CTC, ensures that the following additional requirements are satisfied when determining if a child has a SLD:

- a. **Inclusion of additional required group members for SLD determination**

The group that determines that a child suspected of having a SLD is a child with a disability includes the child's parents and a group of qualified professionals consisting of, but not limited to:

- (i) The child's regular teacher (or if the child does not have a regular teacher, the DOR includes a regular classroom teacher qualified to teach a child of the child's age); and
- (ii) At least one person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist or remedial reading teacher.

**b. Observation requirements**

The DOR, in collaboration with the CTC, ensures that the child is observed in the child's learning environment, including the regular classroom setting, to document the child's academic performance and behavior in the areas of difficulty. The group of qualified professionals identified by the DOR, in collaboration with the CTC, conducts the observation by:

- (i) Using information from an observation of the child's performance conducted during routine classroom instruction, including monitoring of the child's performance during instruction, that was done before the child was referred for an evaluation; or
- (ii) Having at least one member of the group conduct an observation of the child's academic performance in the regular classroom after the child has been referred for an evaluation and parent consent has been obtained.

**c. Ensuring the child's underachievement is not due to a lack of appropriate instruction in reading and math**

In order to ensure that underachievement in a child suspected of having a SLD is not due to lack of appropriate instruction in reading or math, the DOR, in collaboration with the CTC, considers:

- (i) Data demonstrating that prior to, or as part of, the referral process, the child received appropriate instruction in regular education settings delivered by qualified personnel; and
- (ii) Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of the child's progress during instruction, the results of which were provided to the child's parents.

**d. Obtaining parental consent to evaluate**

The DOR, in collaboration with the CTC, promptly requests parental consent to evaluate a child to determine if the child needs special education and related services:

- (i) If, prior to the referral, the child does not make adequate progress



after an appropriate period of time when provided with appropriate instruction, as described in 34 C.F.R. 300.309(b)(1) and (2) and  
(ii) Whenever a child is referred for an evaluation.

**e. Consideration of exclusionary factors**

When determining that a child has a SLD, the DOR, in collaboration with the CTC, ensures that the findings from the evaluation process 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 (LEP).

If the DOR, in collaboration with the CTC, determines that one of these factors is the primary reason for the child’s suspected disability, the DOR does not identify the child as having a SLD.

**VI. INDIVIDUALIZED EDUCATION PROGRAMS (IEPs)**

The DOR, in collaboration with the CTC, ensures that an IEP is developed and implemented for each child with a disability, ages 3 through 21, inclusive, who requires special education and related services and who resides in the DOR. The DOR, in collaboration with the CTC, is responsible for ensuring that the requirements of 3301-51-07 of the Operating Standards are met regardless of which district, county boards of DD, CTC, or other educational agency implements the child’s IEP.

The meeting to develop an IEP is conducted within 30 days of a decision that a child needs special education and related services.

The initial IEP is developed within whichever of the following time periods is the shortest:

- Within 30 calendar days of the determination that the child needs special education and related services;
- Within 90 days of receiving informed parental consent for an evaluation; or
- Within 120 calendar days of receiving a request for an evaluation from a parent or school district (unless the evaluation team has determined it does not suspect a disability).

The DOR, in collaboration with the CTC, ensures that the parents receive a copy of the child’s IEP at no cost to the parents. The parents may receive a copy of the IEP either at the conclusion of the IEP meeting or within 30 calendar days of the date of the IEP meeting.

## **A. MEMBERS OF THE IEP TEAM**

The IEP team includes:

1. The child's parents;
2. Not less than one of the child's regular education teachers, if the child is or may be participating in the regular education environment;
3. Not less than one special education teacher of the child or, where appropriate, not less than one special education provider of the child;
4. A representative of the DOR and CTC who:
  - a. Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
  - b. Is knowledgeable about the general education curriculum; and
  - c. Is knowledgeable about the availability of resources of the DOR and the CTC.
5. Someone who can interpret the instructional implications of the evaluation results, who may be one of the team noted previously;
6. At the discretion of the parents or the school district, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
7. The child, whenever appropriate. The child must be invited if a purpose of the meeting is the consideration of postsecondary goals for the child and the transition services needed to assist the child in reaching those goals.

A member of the IEP team, other than the parent and the child, if appropriate, is not required to attend an IEP team meeting, in whole or in part, if the parent and the DOR agree, in writing, that the attendance of that member is not necessary because the member's area of the curriculum or related services is not being modified or discussed at the meeting or portion of the meeting.

## **B. PARENTAL PARTICIPATION**

1. The DOR, in collaboration with the CTC, takes steps to ensure that one or both of the parents of a child with a disability are present at each IEP team meeting or are afforded the opportunity to participate, including:
  - a. Notifying the parents of the meeting early enough to ensure that they will have an opportunity to attend; and
  - b. Scheduling the meeting at a mutually-agreed upon time and place.
2. A Notice to a Parent Regarding an IEP meeting:
  - a. Indicates the purpose, time and location of the meeting and who will be in attendance; and
  - b. Informs the parents of the provisions of 34 C.F.R. 300.321(a)(6) and (c) regarding the participation of other individuals who have knowledge or special expertise about the child.

3. The DOR, in collaboration with the CTC, conducts IEP team meetings without a parent in attendance only if it cannot convince parents that they should attend. Before an IEP team meeting is held without a parent, the DOR, in collaboration with the CTC, makes multiple attempts to contact a parent to arrange a mutually agreed on time and place, and records its attempts to do so.

### **C. CONTENTS OF AN IEP**

The DOR, in collaboration with the CTC, will use ODE's required form, PR-O7, for its IEPs.

In developing each child's IEP, the IEP team considers:

- The strengths of the child;
- The concerns of the parents for enhancing the education of their child;
- The results of the initial or most recent evaluation of the child;
- The results of the child's performance on any state or district-wide assessment programs, as appropriate; and
- The academic, developmental and functional needs of the child.

Further, the IEP team considers the following special factors:

- In the case of a child whose behavior impedes the child's learning or that of others, the use of positive behavioral interventions and supports, and other strategies, to address that behavior;
- In the case of a child with LEP, the language needs of the child as those needs relate to the child's IEP;
- In the case of a child who is blind or visually impaired, the instruction of that child in accordance 34 C.F.R. 300.324(a)(2)(iii) and section 3323.013 of the Ohio Revised Code;
- The communication needs of the child, including those of a child who is deaf or hard of hearing; and
- Whether the child needs assistive technology devices and services.

#### **1. CONTENTS OF EVERY IEP**

The DOR's IEP's are written and developed, reviewed and revised in IEP meetings in collaboration with the CTC. Each IEP must include:

- a. A statement that discusses the child's future and documents planning information;
- b. A statement of the child's present levels of academic and functional performance, including how the child's disability affects the child's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled children);
- c. A statement of measurable annual goals, including academic and functional goals and benchmarks or short-term objectives designed to:

- (i) Meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; and
  - (ii) Meet each of the child's other educational needs that result from the child's disability;
- d. A description of:
  - (i) How the child's progress toward meeting the annual goals described in the IEP will be measured; and
  - (ii) When periodic reports on the progress the child is making toward meeting the annual goals will be provided;
- e. A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided to enable the child:
  - (i) To advance appropriately toward attaining the annual goals;
  - (ii) To be involved in and make progress in the general education curriculum in accordance with 34 C.F.R. 300.320(a)(1) and to participate in extracurricular and other nonacademic activities; and
  - (iii) To be educated and participate with other children with disabilities and nondisabled children, as appropriate, in the activities described in 34 C.F.R. 300.320(a)(4);
- f. An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular classroom and in activities;
- g. A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on state and district wide assessments consistent with Section 612(a)(16) of the IDEA;
- h. If the IEP team determines that the child must take an alternate assessment instead of a particular regular state or district wide assessment of child achievement, a statement of why:
  - (i) The child cannot participate in the regular assessment; and
  - (ii) The particular alternate assessment selected is appropriate for the child; and
- i. The projected date for the beginning of the services and modifications described in the IEP and the anticipated frequency, location and duration of those services and modifications.

## **2. TRANSITION SERVICES**

Beginning not later than the first IEP to be in effect when the child turns 14 (or younger if determined appropriate by the IEP team), the IEP must include:

- a. Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment and, where appropriate, independent living skills; and
- b. The transition services (including courses of study) needed to assist

the child in reaching those goals.

### **3. TRANSFER OF RIGHTS AT AGE OF MAJORITY**

Beginning not later than one year before the child reaches 18 years of age, the IEP includes a statement that the child has been informed of the child's rights under Part B of the IDEA that will transfer to the child on reaching the age of majority.

### **4. NONACADEMIC SERVICES, PHYSICAL EDUCATION, EXTENDED SCHOOL YEAR AND TRANSPORTATION**

If appropriate, the IEP includes the services to be provided in each of these areas.

## **D. REVIEW AND AMENDMENT OF AN IEP**

The DOR, in collaboration with the CTC, ensures that the IEP team:

1. Reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and
2. Revises the IEP, as appropriate, to address:
  - a. Any lack of expected progress toward the annual goals and in the general education curriculum;
  - b. The results of any reevaluation;
  - c. Information about the child provided to, or by, the parents as part of an evaluation or reevaluation;
  - d. The child's anticipated needs; or
  - e. Other matters; and
3. Reconvenes if an agency, other than the DOR or CTC, fails to provide the transition services described in the IEP.

Changes to the IEP for a child enrolled at the CTC may be made either at an IEP team meeting, or by a written document amending or modifying the IEP, if the parent and the CTC, in collaboration with the DOR, agree not to convene an IEP team meeting for the purposes of making those changes. If the IEP is amended by written document, the DOR, in collaboration with the CTC, sends a copy of the amended IEP to the parent within thirty days of the date the IEP was amended.

## **VII. LEAST RESTRICTIVE ENVIRONMENT (LRE)**

The DOR, in collaboration with the CTC, ensures that, to the maximum extent appropriate, children with disabilities, including children in public or nonpublic institutions or other care facilities, are educated with children who are nondisabled. Placement of children with disabilities in special classes, separate schooling or other removal from the regular educational environment occurs only if the nature or

severity of the disability is such that education in regular classes with the use of supplementary aids and services, modifications and/or accommodations cannot be achieved satisfactorily.

The DOR, in collaboration with the CTC, ensures that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.

The DOR, in collaboration with the CTC, determines the placement of a child with a disability at least annually, and the placement is based on the child's IEP, and is as close as possible to the child's home.

Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that the child would attend if nondisabled.

In selecting the LRE for a child with a disability, the IEP team considers any potential harmful effect on the child or on the quality of the services that the child needs.

A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

## **VIII. PARENTALLY PLACED NONPUBLIC SCHOOL CHILDREN**

### **A. EQUITABLE SERVICES DETERMINED**

The DOR, in collaboration with the CTC where appropriate, makes the final decisions about the services to be provided through a services plan to eligible parentally placed nonpublic school children with disabilities who are attending nonpublic schools within the DOR's geographic boundaries. The DOR makes these decisions after consultation with nonpublic school representatives and parents of parentally placed nonpublic school children and through meetings to develop, review and revise services plans. A child with a disability attending a nonpublic school does not have an individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school.