



## Summary of Revisions to Special Education Operating Standards

May 22, 2008



## You Have to Dare



***extreme sports***





## As Opposed To:



Department of  
Education



## Special Education Basic Stats

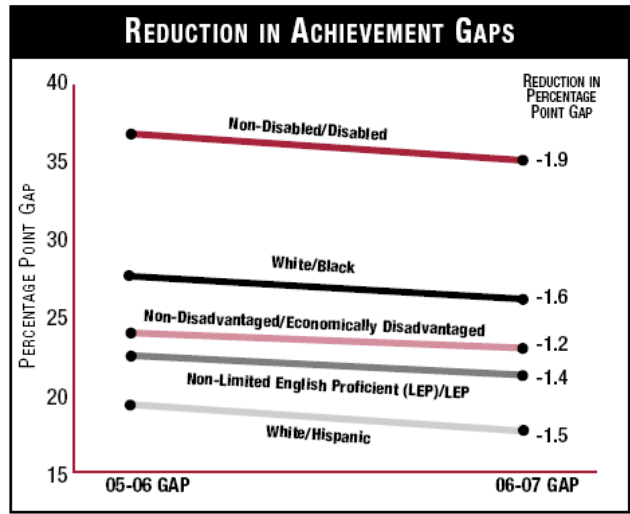
- No. of SWDs: 269,000
- Federal Funds: \$410 Million
  - Based on Total Students, Poverty, etc.
  - Allocated to LEAs in same fashion
- GRF for Special Ed: approx. \$440 million (FY 07)
  - FY 08: \$497 mill (est); FY 09: \$533 mill (est)
  - Allocated via weights



Test Grade	Test Subject	Disabled Flag Metrics	N Proficient Percentage	Y Proficient Percentage
3rd Grade	Reading		82.2%	55.6%
	Mathematics		87.9%	64.5%
	All Tests		78.6%	49.9%
4th Grade	Reading		84.2%	57.0%
	Writing		86.2%	60.6%
	Mathematics		80.1%	52.7%
5th Grade	All Tests		70.8%	39.0%
	Reading		85.1%	51.9%
	Mathematics		66.0%	35.1%
	Social Studies		62.1%	34.9%
6th Grade	Science		71.9%	46.5%
	All Tests		51.7%	25.5%
	Reading		82.8%	49.4%
7th Grade	Mathematics		79.6%	42.4%
	All Tests		73.9%	36.4%
	Reading		83.4%	44.8%
8th Grade	Writing		86.8%	49.3%
	Mathematics		77.1%	38.1%
	All Tests		69.4%	27.5%
	Reading		86.3%	45.6%
10th Grade	Mathematics		77.9%	35.8%
	Social Studies		54.0%	23.1%
	Science		67.9%	33.8%
	All Tests		48.3%	18.6%
11th Grade	Reading		92.7%	52.2%
	Writing		94.6%	56.4%
	Mathematics		87.2%	44.7%
	Social Studies		82.1%	42.2%
11th Grade	Science		78.1%	37.9%
	All Tests		70.4%	26.0%
	Reading		97.1%	65.4%
	Writing		97.6%	66.8%
	Mathematics		93.9%	56.1%
11th Grade	Social Studies		92.5%	56.2%
	Science		88.8%	50.1%
	All Tests		86.0%	41.7%

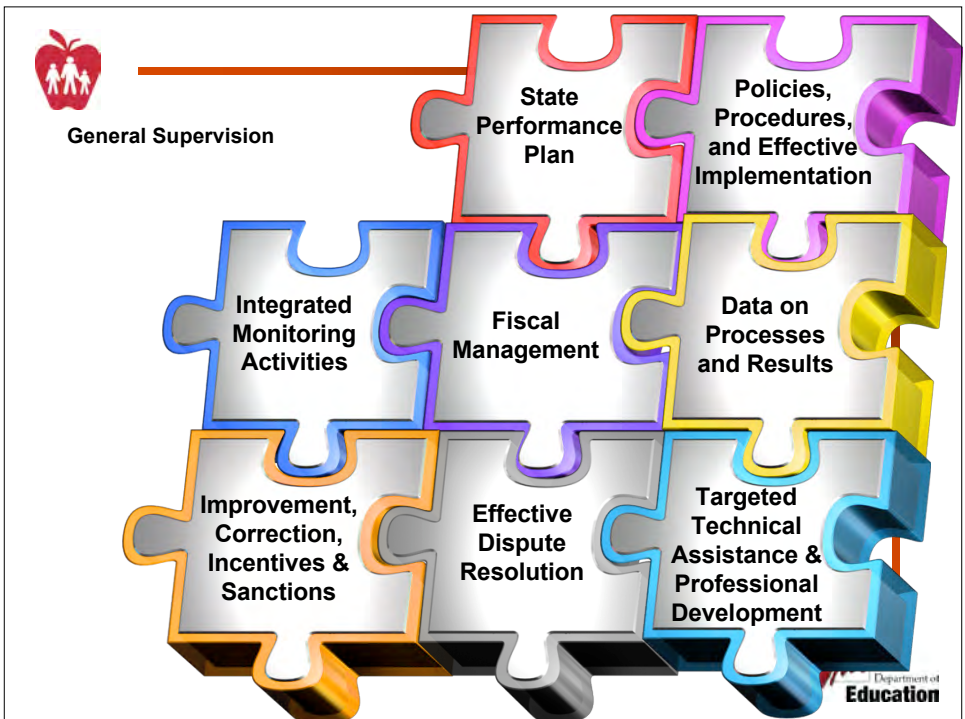


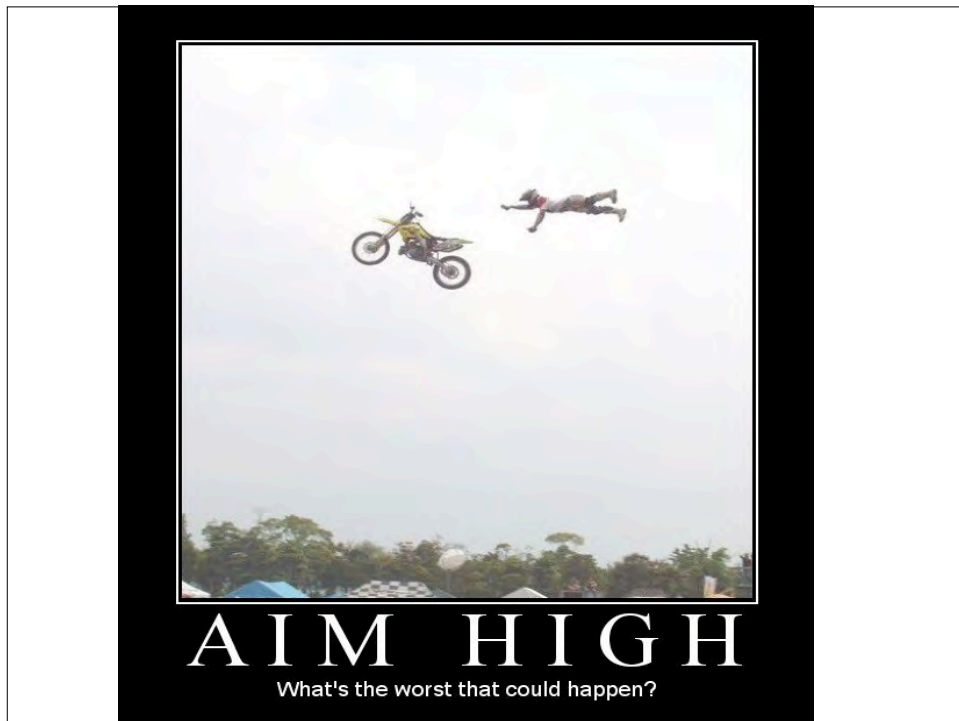
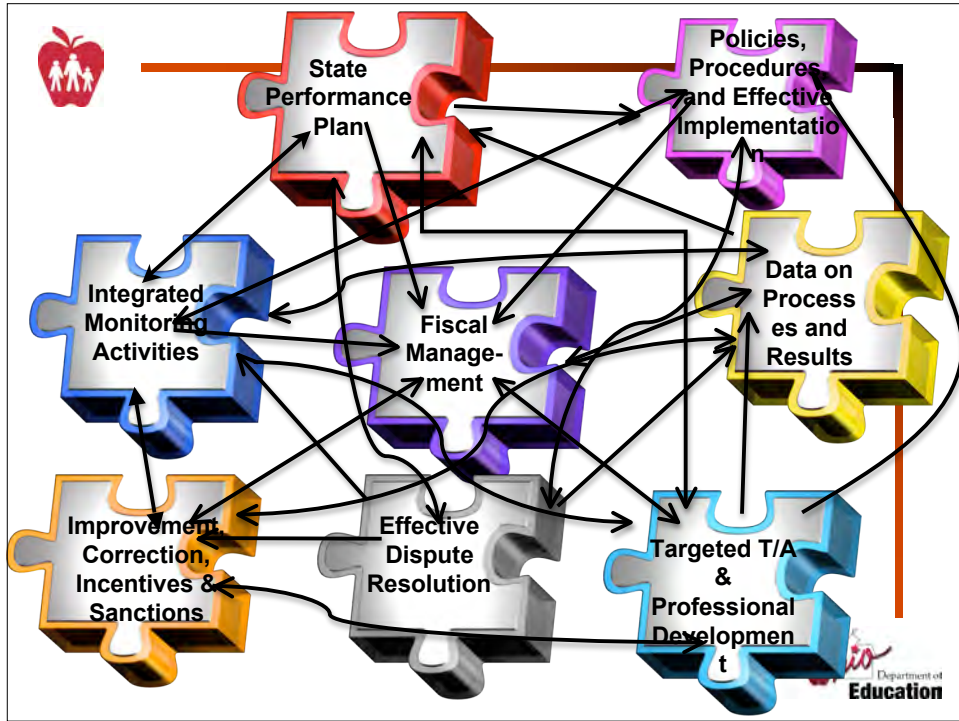
## Closing the Achievement Gap





It's about  
Better Results







## Background Information

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



## Partnerships

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





# IDEA Outcomes



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



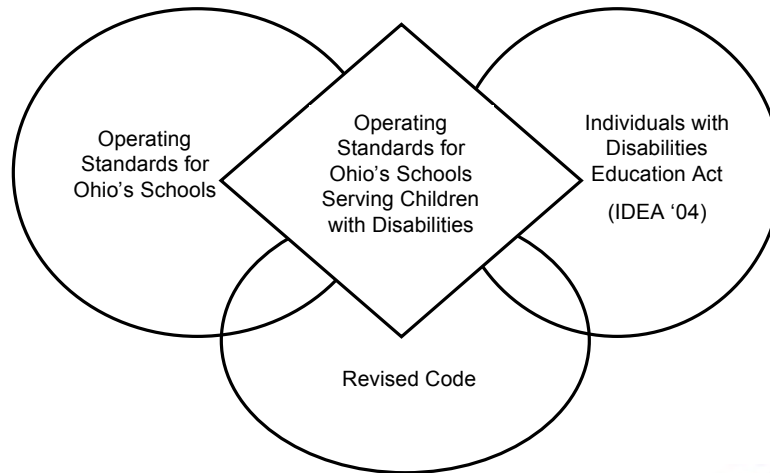
# Overall Guidelines

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





## Need for New Standards



## Summary of Rule Chapters

- Rule 3301-51-01 Applicability of Requirements and Definitions**
- Rule 3301-51-02 Free Appropriate Public Education**
- Rule 3301-51-03 Child Find**
- Rule 3301-51-04 Confidentiality**
- Rule 3301-51-05 Procedural Safeguards**
- Rule 3301-51-06 Evaluations**
- Rule 3301-51-07 Individualized Education Program**
- Rule 3301-51-08 Parentally Placed Nonpublic School Children**
- Rule 3301-51-09 Delivery of Services**
- Rule 3301-51-11 Preschool SE Requirements**





## Summary of Changes

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



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

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





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

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



## Rule 3301-51-02 Free Appropriate Public Education

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





## Rule 3301-51-03 Child Find

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



## Rule 3301-51-04 Confidentiality

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





## Rule 3301-51-05 Procedural Safeguards

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



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

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





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

### Due process hearings

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



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

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



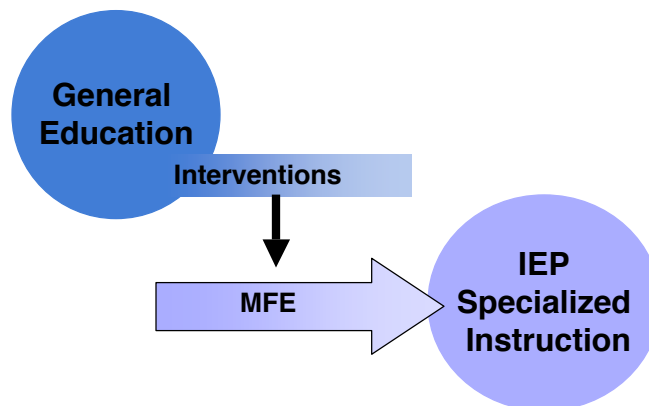


## Rule 3301-51-06 Evaluations

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



## Implication: Interventions





## RTI & LD Evaluation

- Work group addressing the “how to” for guidance document
  
- National RTI Center
  - <http://www.rti4success.org/>



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

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





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

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



## Access to and Progress In the General Curriculum

Supports  
Accommodations  
Modifications  
Adaptations





## **Rule 3301-51-08 Parentally Placed Nonpublic School Children**

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



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

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





## **Rule 3301-51-09 Delivery of Services**

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



## **Rule 3301-51-11 Preschool Special Education Requirements**

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





## Re-File Rule Changes

- Sufficiency/insufficiency conducted by IHO clarified;
- Deleted text limiting categories served in cross categorical classroom;
- Changed “and” to “or” in language clarifying transportation for preschool CWD;
- Added SLD to disability categories that may apply to preschool CWD.



## Re-File Rule Changes(cont'd)

- Added dates for all federal references;
- Changed internal references that were in error;
- Clarified that paraprofessionals/related service assistants shall be supervised;
- Cross referenced chapter 4755 for all language regarding OTs, PTs, OTAs, PTAs;





## Tools to Support Implementation

- Leadership Conference
- Regional Trainings
- Guidance Document
- Network of Tools
- Progressive Sanctions





## Guidance Development Process

- Initial Advisory Group (CSNP)
- Content Work Groups
  - Forms, EC, 2ndary Trans., LD/RTI
- Specific content provided by relevant groups (i.e. community schools, MR/DD, etc.)
- Content reviewed by field
- Target Date: July 1, 2008



## Ohio's Guidance Document for Special Education



Columbus, Ohio

<b>Section 11.6: Discipline</b> <b>Topic: General</b>	<b>Ohio's</b> <b>Guidance</b> <b>Document</b> <b>for Special</b> <b>Education</b>
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**State Performance Plan:**

- SPP 4.A.1 - No (7.1%) LEAs have significant\* discrepancies in the rates of suspension and expulsion of children with disabilities for greater than 10 days in a school year.
- SPP 4.A.2 - No (0.00%) LEAs with significant\* discrepancies in the rates of suspension and expulsion of greater than 10 days in a school year of children with disabilities by race and ethnicity.
- SPP 4.A.3 - No (1.0%) LEAs have significant\* discrepancy in the rates of suspension of children with disabilities.

\*Significant discrepancies in discipline rates are those in which the rate of suspension and expulsion for children with disabilities exceeds that of the rate for typical students by at least 1%.

Indicator 4 is relevant to the implementation of discipline procedures because it ensures that students with disabilities are afforded opportunities for FAPE without undue interruption of their educational programs and services (in other instances provided by section writer).

In 2008-2009, OEC will evaluate each LEA's performance against the annual targets established for this indicator to identify the LEA's "Determinations Category Status" and need for follow-up assistance. This calculation will be based on suspension/expulsion data that LEAs report annually through the EMIS system. OEC uses the LEA suspension/expulsion data to determine significant discrepancies in the rates of suspensions and expulsions of students in ethnic or racial groups by using the Westat risk ratio calculation formula. Significant discrepancies\* in discipline rates are those in which the rate of suspension and expulsions for children with disabilities exceeds that of the rate for typical students by at least 1%.

OEC used the following process to calculate and report data for this indicator:

- A risk ratio represents the likelihood that a student with a disability in one racial group will be suspended or expelled for greater than 10 days compared to the likelihood that all other students in the LEA will be suspended or expelled for greater than 10 days.
- The risk ratio was calculated as the percentage of students in a specified racial group suspended or expelled for greater than 10 days divided by the percentage of students suspended or expelled for greater than 10 days NOT in the specified racial group. For example, the percent of all Asian students in an LEA who are suspended or expelled for greater than 10 days divided by the percent of all NON-Asian students who are suspended or expelled for greater than 10 days.
- OEC calculated risk ratios for rates of suspension and expulsion for greater than 10 days for the following student groups: African-American, American Indian, Asian, and Hispanic.

For more information on OEC's Determinations scoring system go to:  
<http://www.ohio-state.edu/oc/TemplatePage.cfm?ID=103&DIR=/data/apps/page=1&Topic=NationalID=965&ContentID=16367&Content=403>

Indicator 4, a **performance indicator**, is one of eight PAPE monitoring priority indicators for which OEC has set annual targets based on a review of data and broad stakeholder input. LEAs should be familiar with the performance targets for indicator 4 which may vary from year to year.

DRAFT - 12/31/07

The screenshot shows the EdResourcesOhio website interface. At the top, there is a search bar and navigation links for NCLB and IDEA. The main header features the site name and a search button. Below the header, there are several sections:

- Topics:** A list of categories including General Education, Confidentiality, Child Find, Early Childhood, Procedural Safeguards, Evaluation Procedures, IEP, Discipline, Nonpublic Placement, Service Delivery, Monitoring, and Funding.
- Links:** A list of specific acts and codes such as Individuals with Disabilities Education Improvement Act of 2004 (IDEA), Family Education Rights and Privacy Act (FERPA), Nondiscrimination on the Basis of Handicap, Ohio Revised Code, Operating Standards for Ohio's Schools, and Operating Standards for Ohio's Schools Serving Children with Disabilities.
- Ohio's Guidance Document for Special Education:** A featured section with a thumbnail image of the document cover and a video player showing a man speaking.
- Relevant Resources:** A section listing external links such as the Consortium for Appropriate Dispute Resolution in Special Education (CADRE), IDEA 2004, and The Center for Comprehensive School Reform and Improvement (CSRI).



## Next Steps (cont'd)

- Regional trainings will be conducted in the spring and summer of 2008;
- All rules to become effective July 1, 2008;



## Finally...

- Questions??
  - Regional Trainings
  - State Support Teams
  - Contact Sandy Kaufman (ODE/OEC) at [sandy.kaufman@ode.state.oh.us](mailto:sandy.kaufman@ode.state.oh.us);  
(614) 752-1404



