



Ohio Administrative Code

Rule 3301-13-03 Establishing provisions for the participation of students with disabilities in required state tests administered at the designated grades.

Effective: April 27, 2018

(A) "Student with a disability" refers either to a student receiving special education services under Chapter 3323. of the Revised Code in accordance with an individualized education program (IEP) developed pursuant to section 3323.011 of the Revised Code, or to a student who has been identified as having a disability based on an evaluation conducted in accordance with section 504 of the Rehabilitation Act of 1973, 29. U.S.C. 794 (December 10, 2015). Such student within this rule shall also be referred to as a section 504 student.

(B) Each participating school shall adopt a policy and establish procedures regarding the participation of students with disabilities in the required state tests established by rule 3301-13-01 of the Administrative Code. Such policy and procedures shall be consistent with this rule.

(C) Each excusal made in accordance with this rule, and the reason for the excusal, shall be made in a student's IEP developed in accordance with Chapter 3301-51 of the Administrative Code, or documented in writing for a student evaluated under provisions of section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794 (December 10, 2015). The reasons for the excusal shall include a statement of why the child can not participate in the general education test and why the alternate assessment selected is appropriate for the child.

(D) No student with a disability granted an excusal from taking a test prescribed by rule 3301-13-01 of the Administrative Code that is administered to nondisabled students shall be prohibited from taking that test. Any student excused from taking a test pursuant to this rule who nevertheless takes and meets at least the proficient level of performance on said test may be credited on the student's transcript with meeting the required performance standard on the test if each accommodation provided meets the criteria provided in this rule. Required state test pass rates used to determine school district and building performance shall include, to the maximum extent allowed by state and federal law, all of the results of the following students with a disability:

(1) Those who take tests without any accommodation;



(2) Those who take tests with accommodations that meet the criteria of this rule; and

(3) Those who are excused under section 3301.0711 of the Revised Code and this rule who instead take an alternate assessment.

(E) A student's IEP team of a participating school, in accordance with Chapter 3301-51 of the Administrative Code, shall include in each student with a disability IEP, or a participating school shall document in writing for any student with a disability who was evaluated under section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794 (December 10, 2015), what specific accommodation(s), if any, shall be provided when a student takes any test prescribed by rule 3301-13-01 of the Administrative Code. Any student with a disability who is required to take a test may be provided any accommodation defined by the department that meets the following criteria:

(1) The accommodation is specified in a student with a disability IEP or section 504 plan and is provided for classroom and district tests;

(2) The accommodation does not change the content or structure of a test;

(3) The accommodation does not change what type of knowledge or skill that a test is intended to measure; and

(4) The accommodation does not change or enhance a student's response as to what type of knowledge or skill is intended to be assessed, but it facilitates how the response is provided or accessed.

(F) Any student with a disability who is excused from taking a required test in accordance with section 3301.0711 of the Revised Code and this rule, and who instead takes an alternate assessment, may be provided accommodations that either meet or do not meet the criteria in this rule, unless specifically provided by the department, depending upon the individual needs of a student as determined by the student's IEP team.

(G) Any student with a disability who otherwise has completed an IEP program but has not received



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a diploma due to not having passed any required test may take any test required for graduation anytime it is administered in any district as set forth in section 3313.611 of the Revised Code.