



Ohio Administrative Code

Rule 3301-51-07 Individualized education program (IEP).

Effective: July 1, 2023

(A) Each educational agency shall adopt and implement written policies and procedures approved by the Ohio department of education, office for exceptional children, that ensure an individualized education program is developed and implemented for each child with a disability.

(B) The county boards of developmental disabilities and other educational agencies shall adopt and implement written policies and procedures approved by the Ohio department of education, office for exceptional children, that ensure services identified in the child's individualized education program are provided as agreed upon with the child's school district of residence.

(C) Children in other districts or agencies

(1) The school district of residence is responsible for ensuring that an individualized education program is developed and implemented for each child with a disability residing in the school district, even when another educational agency implements the child's individualized education program. This includes the responsibility for initiating and conducting meetings for the purpose of developing, reviewing and revising the individualized education program of a child with a disability. When providing special education services for a child with a disability in another educational agency, the school district of residence must follow the same procedural safeguards as it does for all children with disabilities and have on file a copy of the current evaluation team report and the individualized education program.

(2) Each educational agency shall cooperate with another educational agency that serves children with disabilities in institutions or other care facilities to ensure that these children have access to an education in their least restrictive environment as appropriate and as specified in the individualized education program.

(D) Responsibility of the educational agency



Each educational agency must ensure that a child with a disability who is placed in or referred to a nonpublic school or facility by a public school district:

(1) Is provided special education and related services:

(a) In conformance with an individualized education program that meets the requirements of paragraphs (E) to (I) of this rule; and

(b) At no cost to the parents;

(2) Is provided an education that meets the applicable academic and operating standards provided by the Ohio department of education and the standards of the educational agency, except for as otherwise required in rule 3301-51-01 of the Administrative Code and rule 3301-51-09 of the Administrative Code; and

(3) Has all of the rights of a child with a disability who is served by a public school district.

(E) Individualized education programs (IEP)

(1) General

An individualized education program must include:

(a) A statement that discusses the child's future

The individualized education program team shall ensure that the family and child's preferences and interests are an essential part of the planning process. The individualized education program team will document planning information on the individualized education program;

(b) A statement of the child's present levels of academic achievement and functional performance, including:

(i) How the child's disability affects the child's involvement and progress in the general education



curriculum (i.e., the same curriculum as for non disabled children); or

(ii) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;

(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;

(A) For children with disabilities who take alternate assessments aligned to alternate academic achievement standards, a description of benchmarks or short-term objectives.

(d) A description of:

(i) How the child's progress toward meeting the annual goals described in paragraph (E)(1)(c) of this rule will be measured; and

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

(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



paragraph (E)(1)(b) of this rule, and to participate in extracurricular and other nonacademic activities; and

(iii) To be educated and participate with other children with disabilities and non disabled children in the activities described in this rule;

(f) An explanation of the extent, if any, to which the child will not participate with non disabled children in the regular class and in the activities described in paragraph (E)(1)(e) of this rule;

(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 districtwide assessments consistent with Section 612(a)(16) of the IDEA;

(h) If the individualized education program team determines that the child must take an alternate assessment instead of a particular regular state or districtwide assessment of student 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 paragraph (E)(1)(e) of this rule and the anticipated frequency, location, and duration of those services and modifications.

(2) Transition services

Beginning not later than the first individualized education program to be in effect when the child turns fourteen, or younger if determined appropriate by the individualized education program team, and updated annually, thereafter, the individualized education program must include:

(a) Appropriate measurable post-secondary goals based upon age-appropriate transition assessments related to training, education, and, if assessment data supports the need, independent living skills;



(b) Appropriate measurable post-secondary goals based on age-appropriate transition assessments related to competitive integrated employment ; and

(c) The transition services (including courses of study) as defined in 34 C.F.R. 300.43, needed to assist the child in reaching those goals.

(d) A transition progress report, including a description of progress toward the completion of transition services as defined in 34 C.F.R. 300.533 shall be provided to the parent at least as often as report cards are issued to all children. If the school district provides interim reports to all children, progress reports must be provided to all parents of a child with a disability concurrent with the issuance of progress reports for students without a disability.

(3) Transfer of rights at age of majority

By the child's seventeenth birthday, which is not later than one year before the child reaches the age of majority under Ohio law, the individualized education program must include 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, as specified in paragraph (D) of rule 3301-51-05 of the Administrative Code.

(4) Construction

Nothing in this rule shall be construed to require:

(a) That additional information be included in a child's individualized education program beyond what is explicitly required in Section 614 of the IDEA; or

(b) The individualized education program team to include information under one component of a child's individualized education program that is already contained under another component of the child's individualized education program.

(F) Individualized education program team



(1) General

The school district must ensure that the individualized education program team for each child with a disability includes:

(a) The parents of the child;

(b) Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);

(c) Not less than one special education teacher of the child or, where appropriate, not less than one special education provider of the child;

(d) A representative of the educational agency who:

(i) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;

(ii) Is knowledgeable about the general education curriculum; and

(iii) Is knowledgeable about the availability of resources of the school district.

(e) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in paragraphs (F)(1)(b) to (F)(1)(f) of this rule;

(f) At the discretion of the parent or the educational agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and

(g) Whenever appropriate, the child with a disability.

(2) Transition services participants



(a) In accordance with paragraph (F)(1)(g) of this rule, the educational agency must invite a child with a disability to attend the child's individualized education program team meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals under paragraph (E)(2) of this rule.

(b) If the child does not attend the individualized education program team meeting, the educational agency must take other steps to ensure that the child's preferences and interests are considered.

(c) To the extent appropriate, with the consent of the parents or a child who has reached the age of majority, in implementing the requirements of paragraph (F)(2)(a) of this rule, the school district must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.

(3) Determination of knowledge and special expertise

The determination of the knowledge or special expertise of any individual described in paragraph (F)(1)(f) of this rule must be made by the party (parents or educational agency) who invited the individual to be a member of the individualized education program team.

(4) Designating a school district representative

A school district may designate a school district member of the individualized education program team to also serve as the district representative, if the criteria in paragraph (F)(1)(d) of this rule are satisfied.

(5) Individualized education program team attendance

(a) A member of the individualized education program team described in paragraphs (F)(1)(b) to (F)(1)(e) of this rule is not required to attend an individualized education program team meeting, in whole or in part, if the parent of a child with a disability and the educational agency agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting.



(b) A member of the individualized education program team described in paragraph (F)(5)(a) of this rule may be excused from attending an individualized education program team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if:

- (i) The parent, in writing, and the educational agency consent to the excusal; and
- (ii) The member submits, in writing to the parent and the individualized education program team, input into the development of the individualized education program prior to the meeting.

(6) Initial individualized education program team meeting for child under Part C

In the case of a child who was previously served under Part C of the IDEA, an invitation to the initial individualized education program team meeting must, at the request of the parent, be sent to the Part C service coordinator or other representatives of the Part C system to assist with the smooth transition of services.

(G) Parent participation

(1) Educational agency responsibility

Each educational agency must take steps to ensure that one or both of the parents of a child with a disability are present at each individualized education program team meeting or are afforded the opportunity to participate, including:

(a) Notifying 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 on time and place.

(2) Information provided to parents

(a) The notice required under paragraph (G)(1)(a) of this rule must:



- (i) Indicate the purpose, time, and location of the meeting and who will be in attendance; and

- (ii) Inform the parents of the provisions in paragraphs (F)(1)(f) and (F)(3) of this rule (relating to the participation of other individuals on the individualized educational program team who have knowledge or special expertise about the child), and this rule (relating to the participation of the Part C service coordinator or other representatives of the Part C system at the initial individualized education program team meeting for a child previously served under Part C of the IDEA).

- (b) For a child with a disability, beginning not later than the first individualized education program to be in effect when the child turns fourteen, or younger if determined appropriate by the individualized education program team, the notice also must:
 - (i) Indicate:
 - (A) That a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the child, in accordance with paragraph (E)(2)(b) of this rule; and
 - (B) That the educational agency will invite the child; and
 - (ii) Identify any other agency that will be invited to send a representative.

- (3) Other methods to ensure parent participation

If neither parent can attend an individualized education program team meeting, the educational agency must use other methods to ensure parent participation, including individual or conference telephone calls, consistent with paragraph (L) of this rule (related to alternative means of meeting participation).

- (4) Conducting an individualized education program team meeting without a parent in attendance

A meeting may be conducted without a parent in attendance if the educational agency is unable to convince the parents that they should attend. In this case, the educational agency must keep a record



of its attempts to arrange a mutually agreed on time and place, such as:

- (a) Detailed records of telephone calls made or attempted and the results of those calls;
 - (b) Copies of correspondence sent to the parents and any responses received; and
 - (c) Detailed records of visits made to the parent's home or place of employment and the results of those visits.
- (5) Use of interpreters or other action, as appropriate

The educational agency must take whatever action is necessary to ensure that the parent understands the proceedings of the individualized education program team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.

- (6) Parent copy of child's individualized education program

Within thirty calendar days after the individualized education program meeting, the school district must give the parent a copy of the child's individualized education program at no cost to the parent.

- (H) When individualized education program must be in effect

- (1) General

On or before the child's third birthday and at the beginning of each subsequent school year, each educational agency must have in effect, for each child with a disability within its jurisdiction, an individualized education program, as defined in paragraph (E) of this rule. The individualized education program shall be implemented as soon as possible following the individualized education program meeting.

- (2) The initial individualized education program must be developed and implemented within whichever of the following time periods is the shortest:



- (a) Within thirty calendar days of the determination that the child needs special education and related services;
 - (b) Within ninety calendar days of receiving parental consent for an evaluation; or
 - (c) Within one hundred twenty calendar days of the receipt of a request for an evaluation from a parent or school district.
- (3) Initial individualized education programs; provision of services

Each school district must ensure that:

- (a) A meeting to develop an individualized education program for a child is conducted within thirty days of a determination that the child needs special education and related services; and
 - (b) As soon as possible following development of the individualized education program, special education and related services are made available to the child in accordance with the child's individualized education program.
 - (c) Once a child begins receiving services for the first time under an individualized education program, the school district in which the child is enrolled shall notify parents that the child is required to undergo a comprehensive eye exam within three months in accordance with section 3323.19 of the Revised Code.
- (4) Accessibility of child's individualized education program to teachers and others

Each educational agency must ensure that:

- (a) The child's individualized education program is accessible to each regular education teacher, special education teacher, related services provider, and any other service provider who is responsible for its implementation; and
- (b) Each teacher and provider described in paragraph (H)(4)(a) of this rule is informed of:



- (i) The teacher's and provider's specific responsibilities related to implementing the child's individualized education program; and
 - (ii) The specific accommodations, modifications, and supports that must be provided for the child in accordance with the individualized education program.
- (5) Individualized education programs for children who transfer educational agency in the same state

If a child with a disability (who had an individualized education program that was in effect in a previous educational agency in the same state) transfers to a new school district of residence in the same state, and enrolls in a new school within the same school year, the new school district of residence (in consultation with the parents) must provide a free and appropriate public education (FAPE) to the child (including services comparable to those described in the child's individualized education program from the previous school district of residence), until the new school district of residence either:

- (a) Adopts the child's individualized education program from the previous school district of residence; or
- (b) Develops, adopts, and implements a new individualized education program that meets the applicable requirements in paragraphs (E) to (I) of this rule.

- (6) Individualized education programs for children who transfer from another state

If a child with a disability (who had an individualized education program that was in effect in a previous educational agency in another state) transfers to a new school district of residence in Ohio, and enrolls in a new school within the same school year, the new school district of residence (in consultation with the parents) must provide the child with FAPE (including services comparable to those described in the child's individualized education program from the previous school district of residence), until the new school district of residence:

- (a) Conducts an evaluation pursuant to paragraphs (E) to (G) of rule 3301-51-06 of the



Administrative Code (if determined to be necessary by the new school district of residence); and

(b) Develops, adopts, and implements a new individualized education program, if appropriate, that meets the applicable requirements in paragraphs (E) to (I) of this rule.

(7) Transmittal of records

To facilitate the transition for a child described in paragraphs (H)(5) and (H)(6) of this rule:

(a) The new school district of residence in which the child enrolls must take reasonable steps to obtain the child's records within 30 days of enrollment, including the individualized education program and supporting documents and any other records relating to the provision of special education or related services to the child, from the previous school district of residence in which the child was enrolled, pursuant to 34 C.F.R. 99.31(a)(2) ; and

(b) The previous school district of residence in which the child was enrolled must respond to the request from the new school district of residence within 30 days of the notification of the child's enrollment at the new school district of residence..

(I) Development, review, and revision of individualized education program

(1) Development of individualized education program

(a) General

In developing each child's individualized education program, the individualized education program team must consider:

(i) The strengths of the child;

(ii) The concerns of the parents for enhancing the education of their child;

(iii) The results of the initial or most recent evaluation of the child;



(iv) The results of the child's performance on any state or districtwide assessment programs, as appropriate; and

(v) The academic, developmental, and functional needs of the child.

(b) Consideration of special factors

The individualized education program team must:

(i) In the case of a child whose behavior impedes the child's learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior;

(ii) In the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's individualized education program;

(iii) In the case of a child who is blind or visually impaired:

(A) Provide for instruction in braille and the use of braille unless the individualized education program team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in braille or the use of braille), that instruction in braille or the use of braille is not appropriate for the child; and

(B) Ensure that the additional requirements for individualized education programs for children who are blind or visually impaired are included as provided in section 3323.011 of the Revised Code;

(iv) Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode; and



(v) Consider whether the child needs assistive technology devices and services.

(c) Requirement with respect to regular education teacher

A regular education teacher of a child with a disability, as a member of the individualized education program team, must, to the extent appropriate, participate in the development of the individualized education program of the child, including the determination of:

(i) Appropriate positive behavioral interventions and supports and other strategies for the child; and

(ii) Supplementary aids and services, program modifications, and support for school personnel consistent with paragraph (E)(1)(e) of this rule.

(d) Agreement

(i) In making changes to a child's individualized education program after the annual individualized education program team meeting for a school year, the parent of a child with a disability and the educational agency may agree not to convene an individualized education program team meeting for the purposes of making those changes, and instead may develop a written document to amend or modify the child's current individualized education program.

(ii) If the individualized education program team amends or modifies the child's current individualized education program, as described in paragraph (I)(1)(d)(i) of this rule, the annual review date for the amended or modified individualized education program does not change. The annual review date will change upon a complete review and revision of the child's individualized education program as outlined in paragraph (I)(2) of this rule.

(iii) If changes are made to the child's individualized education program in accordance with paragraph (I)(1)(d)(i) of this rule, the educational agency must ensure that the child's team is informed of those changes.

(e) Consolidation of individualized education program team meetings



To the extent possible, the educational agency must encourage the consolidation of reevaluation meetings for the child and other individualized education program team meetings for the child.

(f) Amendments

Changes to the individualized education program may be made either by the entire individualized education program team at an individualized education program team meeting, or as provided in paragraph (I)(1)(d) of this rule, by amending the individualized education program rather than by redrafting the entire individualized education program. When an individualized education program is amended the school district shall send a copy of the amended individualized education program to the parent within thirty calendar days of the date the individualized education program was amended, the date of the amendment does not change the annual individualized education program review date.

(2) Review and revision of individualized education program

(a) General

Each school district must ensure that, subject to paragraphs (I)(2)(b) and (I)(2)(c) of this rule, the individualized education program team:

(i) Reviews the child's individualized education program periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and

(ii) Revises the individualized education program, as appropriate, to address:

(A) Any lack of expected progress toward the annual goals described in paragraph (E)(1)(c) of this rule, and in the general education curriculum, if appropriate;

(B) The results of any reevaluation conducted under rule 3301-51-06 of the Administrative Code;

(C) Information about the child provided to, or by, the parents, as described under paragraph

(F)(1)(b) of rule 3301-51-06 of the Administrative Code;



(D) The child's anticipated needs; or

(E) Other matters.

(b) Consideration of special factors

In conducting a review of the child's individualized education program, the individualized education program team must consider the special factors described in paragraph (I)(1)(b) of this rule.

(c) Requirement with respect to regular education teacher

A regular education teacher of the child, as a member of the individualized education program team, must, consistent with paragraph (I)(1)(c) of this rule, participate in the review and revision of the individualized education program of the child.

(3) Failure to meet transition objectives

(a) Participating agency failure

If a participating agency, other than the educational agency, fails to provide the transition services described in the individualized education program in accordance with paragraph (E)(2) of this rule, the school district must reconvene the individualized education program team to identify alternative strategies to meet the transition objectives for the child set out in the individualized education program.

(b) Construction

Nothing in this rule relieves any participating agency, including a state vocational rehabilitation agency, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to children with disabilities who meet the eligibility criteria of that agency.

(4) Children with disabilities in adult prisons



(a) Requirements that do not apply

The following requirements do not apply to children with disabilities who are convicted as adults under state law and incarcerated in adult prisons:

(i) The requirements contained in Section 612(a)(16) of the IDEA and paragraph (E)(1)(h) of this rule (relating to participation of children with disabilities in general assessments).

(ii) The requirements in paragraph (E)(2) of this rule (relating to transition planning and transition services) do not apply with respect to the children whose eligibility under Part B of the IDEA will end, because of their age, before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release.

(b) Modifications of individualized education program or placement

(i) Subject to paragraph (I)(4)(b)(ii) of this rule, the individualized education program team of a child with a disability who is convicted as an adult under state law and incarcerated in an adult prison may modify the child's individualized education program or placement if the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated.

(ii) The requirements of paragraph (E) of this rule do not apply with respect to the modifications described in paragraph (I)(4)(b)(i) of this rule.

(J) Nonpublic school placements by public school districts

(1) Developing individualized education programs

(a) Before a public school district places a child with a disability in, or refers a child to, a nonpublic school or facility, the district must initiate and conduct a meeting to develop an individualized education program for the child in accordance with paragraphs (E) and (I) of this rule.

(b) The educational agency must ensure that a representative of the nonpublic school or facility attends the meeting. If the representative cannot attend, the educational agency district must use



other methods to ensure participation by the nonpublic school or facility, including individual or conference telephone calls.

(2) Reviewing and revising individualized education programs

(a) After a child with a disability enters a nonpublic school or facility, any meetings to review and revise the child's individualized education program may be initiated and conducted by the nonpublic school or facility at the discretion of the public educational agency.

(b) If the nonpublic school or facility initiates and conducts these meetings, the public educational agency must ensure that the parents and an educational agency representative:

(i) Are involved in any decision about the child's individualized education program; and

(ii) Agree to any proposed changes in the individualized education program before those changes are implemented.

(3) Responsibility

Even if a nonpublic school or facility implements a child's individualized education program, responsibility for compliance with this rule remains with the public educational agency and the Ohio department of education.

(K) Educational placements

Consistent with 34 C.F.R. 300.501(c), each educational agency must ensure that the parents of each child with a disability are members of any group that makes decisions on the educational placement of their child.

(L) Alternative means of meeting participation

When conducting individualized education program team meetings and placement meetings pursuant to this rule, and Subpart E of Part B of the IDEA, and carrying out administrative matters under



Section 615 of the IDEA (such as scheduling, exchange of witness lists, and status conferences), the parent of a child with a disability and an educational agency may agree to use alternative means of meeting participation, such as video conferences and conference calls.